

Civil Revision No.123/2011**30.11.2011**

Shri Karansingh, Advocate for the petitioner.

Shri R.N. Gupta, Advocate for the respondent.

Heard on the question of admission.

ORDER

This civil revision has been filed by the tenant against the order dated 30th March, 2011 passed by the Rent Controlling Authority, Indore in Case No. A (90) (7) 20/08, whereby the learned Rent Controlling Authority allowed the application filed by the respondent/widow for ejectment of the petitioner on the ground of her *bona fide* need.

2. It is not in dispute that the respondent is a widow and she is residing along with her married son who had three children aged 11 years, 17 years and 18 years and presently she is having two rooms in her possession and one shop which is at ground floor in which her son is running his business.

3. The case of the petitioner before the Rent Controlling Authority was that she is having only two rooms in her possession and looking to the size of her family it is very difficult to maintain themselves in the said two rooms. It is also stated that except the said premises she is not having any other alternative accommodation in the limits of Indore Municipal Corporation. The suit accommodation was sought essential on the ground that the respondent being an old lady finds it very difficult and inconvenient to stay in the two rooms along with other five members of the family. The petitioner tenant denied the averments made in the application, but in his cross examination it is stated that the respondent is having two rooms on the first floor and two rooms on the second floor.

4. The learned authority considering the fact that total family members in the family of the respondent-landlady is 6 and in

the present house they are residing jointly. It is also considered that her son's children are major and they are not having sufficient accommodation and it is extremely difficult and inconvenient to stay in the said premises.

5. Learned counsel for the petitioner has submitted that the respondent-landlady is having 4 rooms and for 6 members of the family 4 rooms are sufficient for them and the learned Rent Controlling Authority committed an error in allowing the application filed by the respondent.

6. As per statement of the respondent the premises where she is residing she is having only 2 rooms and one shop and except 2 rooms she is not having any other alternative accommodation in the limits of Indore Municipal Corporation. Petitioner in paragraph 10 of his cross examination has categorically stated that the respondent is having 2 rooms in her possession. In view of the admission made by the tenant the contention of the learned counsel for the petitioner that the respondent is having 4 rooms in her possession is not correct. After all each member of the family needs a separate room as family is of growing children and every member seeks privacy if the room is available for comfortable living. I, therefore, hold that the respondent's need is *bona fide* and that she has no other house of her own in the limits of Indore Municipal Corporation. The learned Rent Controlling Authority after appreciating the evidence on record particularly the admission made by the petitioner-tenant in paragraph 10 of his cross examination came to the conclusion that the need of the respondent is genuine and passed order of eviction of the petitioner.

7. On going through the material available on record, I am of the view that the findings recorded by the Rent Controlling Authority is based on the admission made by the petitioner-

tenant in his cross examination need of the respondent is genuine and the learned Rent Controlling Authority has not committed any legal error in allowing the application.

8. In view of the aforesaid, the revision has no merit and is accordingly, dismissed.

(P.K. Jaiswal, J.)

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