

**NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE APPELLATE DIVISION**

This opinion shall not "constitute precedent or be binding upon any court."
Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-0212-15T1

SIN'S REALTY, LLC,

Plaintiff-Respondent,

v.

RITESH KALRA, M.D., LLC a/k/a
RITESH KALRA, LLC,

Defendant-Appellant.

Submitted September 18, 2017 - Decided October 6, 2017

Before Judges Accurso and Vernoia.

On appeal from Superior Court of New Jersey,
Law Division, Bergen County, Docket No. LT-
6134-15.

Degrado Halkovich, LLC, attorneys for
appellant (Adamo Ferreira, of counsel; Mr.
Ferreira, and Felicia Corsaro, on the briefs).

Craig A. Squitieri, attorney for respondent.

PER CURIAM

Following two days of testimony from eight witnesses,
including the principals of the two entities involved in this
commercial landlord/tenant dispute, Judge Bachmann entered

judgment of possession for the landlord, plaintiff Sin's Realty, LLC. In an accompanying written opinion, the judge summarized the credible testimony of the landlord, two police officers and several tenants regarding the problems arising after Dr. Ritesh Kalra moved his pain management practice into plaintiff's building in East Rutherford, and cogently explained why the conduct violated provisions of the parties' lease.

The judge found Dr. Kalra, although seeing some patients by appointment, saw many more walk-in patients, resulting "in more than one dozen people appearing on many occasions, at the same time." That practice "resulted in Dr. Kalra's patients congregating in the hallway" the patients of a dentist and a medical laboratory "also have to traverse, . . . obstructed that hallway, and . . . disturbed and offended" neighboring tenants, including an optometrist on an adjoining floor.

Judge Bachmann found Dr. Kalra knew "his waiting room [was] inadequate to accommodate those patients," and that he used "the hallway, parking lot and stairwell as his auxiliary waiting room." The judge found the doctor should certainly have known that would disturb other tenants, and was put on notice by the landlord that it did concern and disturb his neighboring tenants. The judge generally rejected Dr. Kalra's testimony about his practice as not worthy of belief. Judge Bachmann

specifically rejected the doctor's testimony that he did not recognize his patients among the thirteen people who followed him into the building one morning as captured on surveillance video, and that the doctor was not scared when two of his patients, one bearing a semi-automatic pistol, knocked him to the floor and took \$3600 in cash from his front pocket during office hours.

The judge concluded the parties' lease prohibited defendant from "obstructing or encumbering the yards, entrances, hallways and stairs" and from "causing disturbances that would offend the other tenants in the building" and provided the landlord a right of reentry upon breach. He found the landlord proved the conduct credibly described by the neighboring tenants violated the lease and that N.J.S.A. 2A:18-53c(4) entitled the landlord to possession based on the right of reentry and the notice provided to the tenant.

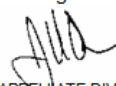
Dr. Kalra appeals, arguing the lease provides that "the tenant" shall not obstruct the hallways and entrances or cause disturbances and the proofs establish that he "did not invite patients to loiter in the parking lot, congregate in hallways, urinate outside, smoke marijuana outside, drink alcohol or to eat their lunches on the premises." He claims the trial judge committed reversible error by expanding the terms of the lease

to third parties over whom he had no control, that the court's fact-findings are not supported by competent and credible facts in the record and that the court denied him the ability to confront witnesses "about their racial motivation in filing complaints that formed the basis of the alleged violations of the terms of the lease."

Having reviewed the trial transcripts, we reject those arguments as wholly without merit and undeserving of discussion in a written opinion. See R. 2:11-3(e)(1)(E). The judge's findings are amply supported by the credible evidence in the record, which also reveals the court in no way denied defendant the ability to confront the witnesses about their motives in complaining to the landlord about Dr. Kalra's patients and the conduct of his practice. We affirm the judgment of possession, substantially for the reasons expressed in Judge Bachmann's cogently reasoned written opinion. See R. 2:11-3(e)(1)(A).

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.


CLERK OF THE APPELLATE DIVISION