

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

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C.R. No.755 of 2026 (O&M)**Reserved on:23.03.2026****Pronounced on:27.03.2026****Uploaded on:30.03.2026**

Reeta Rani @ Rita Rani and another

... Petitioners

Versus

Jatinder Singh and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Krishan Singh Dadwal, Advocate
for the petitioners.

Mr. Deepak Verma, Advocate
for respondent No.1.

AMARINDER SINGH GREWAL, J.

1. The present civil revision petition has been preferred under Article 227 of the Constitution of India challenging the order dated 19.04.2018 passed by the learned Rent Controller, Garhshankar, whereby the eviction petition filed by the respondent No.1-landlord under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as "the Act") has been allowed and the petitioners-tenants have been directed to hand over vacant possession of the demised premises and the order dated 20.11.2025 passed by the learned Appellate Court vide which appeal filed by the petitioners against the order of eviction dated 19.04.2018 passed by the learned Rent Controller, Garhshankar has also been dismissed.

2. The brief facts necessary for adjudication of the present petition are that respondent No.1 claimed himself to be a co-owner and landlord of the shop in dispute, which was initially let out to Sarabjit Singh, predecessor-in-interest of the



petitioners, at a monthly rent of ₹1000/-. After the demise of the original tenant, the petitioners stepped into his shoes and continued in possession of the demised premises as tenants. Respondent No.1 sought eviction of the petitioners primarily on the grounds that they had fallen into arrears of rent with effect from 01.06.2009, that they were habitual defaulters in payment of rent and that respondent No.1 required the premises for his *bona fide* personal necessity as he intended to return to his native place and start his own business in the demised premises along with adjoining shops.

3. Upon notice, the petitioners-tenants appeared and contested the petition by filing a written statement raising preliminary objections regarding maintainability, locus standi of respondent No.1 and applicability of the Act. On merits, it was pleaded that the agreed rate of rent was ₹500/- per month and not ₹1000/- per month, that the property in dispute did not fall within the municipal limits of Mahilpur and, therefore, the provisions of the Act were not applicable, and that respondent No.1 was not the owner of the property, the same being Shamlat Deh. The bonafide necessity of respondent No.1 was also denied on the ground that he was well settled abroad.

4. The learned Rent Controller, on the basis of pleadings of the parties, framed the necessary issues and after appreciating the evidence led by both sides, returned findings in favour of respondent No.1 and ordered eviction of the petitioners vide order dated 19.04.2018 and the appeal preferred against the said order by the petitioners has also been dismissed vide order dated 20.11.2025 passed by the learned Appellate Court. Hence, the instant revision petition.

5. Learned counsel for the petitioners had assailed the impugned orders by contending that the findings recorded by the learned Rent Controller as well as



the learned Appellate Court are erroneous, contrary to evidence on record, and suffer from material irregularity. It was argued that the rate of rent has been wrongly assessed and respondent No.1 had failed to establish *bona fide* necessity. The learned Rent Controller had not the jurisdiction to entertain the rent petition, as the disputed premises does not fall within the municipal limits so as to attract the provisions of the Act. It was further argued that respondent No.1 had not pleaded the necessary ingredients of clauses (b) and (c) of Section 13(3)(a) (i) of the Act and thus, the rent petition was liable to be dismissed. In support of his contention, he relied upon the judgment passed a Division Bench of this Court in ***Banke Ram Vs. Shrimati Sarasvati Devi 1977(1) RCR (Rent) 595*** and judgments passed by Coordinate Benches of this Court in ***Thakar Dass Vs. Madan Mohan 2018(2) RentLR 593***; ***Joginder Singh Sawhney Vs. Harbans Lal 2003(1) RCR (Rent) 528*** and ***Shankar Lal Vs. Madan Lal and others 2011 (1) RCR(Rent) 139***.

6. It was further argued that both the learned Courts below have failed to consider the fact that the tenancy included the shop as well as the *taur* for a consolidated rent of ₹1000/- per month and that the *taur* area was got vacated by the landlord forcibly and illegally. The eviction petition was filed by respondent No.1 through a forged and fabricated power of attorney. It was also argued that the application filed by the petitioners under Order 6 Rule 17 CPC seeking amendment of the written statement was dismissed by learned Appellate Court in an unjust and arbitrary manner, despite the fact that there is settled law that a liberal approach ought to have been applied by the Courts while deciding the amendment applications and there is no prohibition to permit amendment even at the appellate stage. In support of his contention, he relied upon the judgment passed by the Hon'ble Supreme Court in ***Ishwardas Vs. The State of M.P. and***



others AIR 1979 SC 551 and the judgment passed by this Court in *Daljit Singh (deceased) through LRs Vs. Sunita (deceased) through LRs and another 2017 (2) PLR 438*. Furthermore, the respondent No.1-landlord had miserably failed to prove *bona fide* need of starting a business, keeping in view the fact that he had already got vacated eight shops in the vicinity of the demised premises. The respondent No.1-landlord is an NRI, being permanently settled in Australia and there is no evidence available on record to depict that he has any intention to return to India and run a business at his native place.

7. Per contra, learned counsel for respondent No.1-landlord has supported the impugned orders and submitted that the same are based upon proper appreciation of evidence and settled legal principles. It is contended that the petitioners have failed to substantiate their pleas as taken before the learned Courts below and that no ground for interference is made out in revisional jurisdiction.

8. I have heard learned counsel for the parties at length and have carefully gone through the record of the case.

9. The contention raised by the petitioners pertaining to the rate of rent has no merit. The learned Rent Controller has recorded a categorical finding that the rate of rent was ₹1000/- per month. This finding is based on the fact that in earlier rent petitions filed between the parties, the respondents had tendered rent at the rate of ₹1000/- per month and the said petitions were withdrawn upon such tender. Significantly, the petitioners have not placed on record any material to show that they had ever sought recovery of any alleged excess rent paid by them. In the absence of any documentary evidence supporting the plea that the agreed rent was ₹500/- per month, the Rent Controller was justified in drawing an adverse



inference against the respondents and the said finding was correctly affirmed by the learned Appellate Court.

10. The further contention regarding non-applicability of the Act on the ground that the premises does not fall within municipal limits also deserves to be rejected. The petitioner examined an official from the Nagar Panchayat, who categorically deposed that the property in question falls within the municipal limits of Mahilpur and is assessed to house tax. This testimony has remained unshaken in cross-examination. The respondents have failed to produce any evidence to rebut the said official record. Thus, the finding recorded by the Rent Controller regarding applicability of the Act is based on cogent evidence and calls for no interference. Furthermore, a Coordinate Bench of this Court in Civil Revision Petition No.2985 of 2011 titled as *Narinder Kumar and another Vs. Narinder Singh Bains* and other connected cases decided on 17.05.2011 has rejected the contention of petitioners therein that the demised premises does not fall within the municipal limits of Mahilpur as the disputed khasra numbers were not mentioned in the notification dated 11.01.1993, while affirming the finding of the learned Rent Controller that the provisions of the Act are applicable to the entire municipal area of Mahilpur and once it is shown that a building is located within the municipal area, the provisions of the Act become applicable automatically.

11. This Court also does not find any merit in the contention raised by learned counsel for the petitioners that respondent No.1-landlord had not specifically pleaded in his petition seeking eviction under Section 13 of the Act that he was not occupying another residential building in the urban area concerned and he has not vacated such a building without sufficient cause after the



commencement of this Act, in the said urban area, thus, the petition itself was bad for non-compliance of clauses (b) and (c) of Section 13(3)(a)(i) of the Act. A careful perusal of the petition filed by respondent No.1—landlord clearly reveals that he has specifically averred that, being an NRI, he intends to settle at his native place in the twilight years of his life and, for that purpose, requires the shops, including the demised premises, to establish a business for his livelihood, for which separate eviction petitions have been filed. It was further averred that he had not vacated any commercial building in the urban area of Mahilpur or at any other place in his life time. Thus, this Court does not find any non-compliance of clauses (b) and (c) of Section 13(3)(a)(i) of the Act as contended by learned counsel for the petitioners. The absence of specific pleadings or the non-framing of an issue would become material only where it causes prejudice to a party. However, in a situation where the material facts are evident on the record and the parties have proceeded to trial with full awareness of each other's claims, it is difficult to comprehend how any deficiency in pleadings could be said to have caused prejudice. The petitioners have utterly failed to demonstrate that any prejudice was caused to them, or that they were prevented from producing any evidence material to the outcome of the case. The Hon'ble Supreme Court in

Ram Narain Arora versus Asha Rani (1999) 1 SCC 141 has held as under:-

“11. There cannot be a pedantic or a dogmatic approach in the matter of analysis of pleadings or of the evidence adduced thereto. It is no doubt true that if the pleadings are clearly set out, it would be easy for the court to decide the matter. But if the pleadings are lacking or vague and if both parties have understood what was the case pleaded and put forth with reference to requirement of law and placed such material before the court, neither party is prejudiced. If we analyse from this angle, we do not think that the High Court was



not justified in interfering with the order made by the Rent Controller.”

12. The learned Appellate Court has rightly dismissed the application of the petitioners filed under Order 6 Rule 17 CPC for amendment of the written statement on the ground that the facts, which petitioners wanted to incorporate pertained to the year 2011 whereas they had filed the written statement before the learned Rent Controller on 02.02.2012, thus, no plausible explanation came forth that they could not incorporate the said information in the written statement despite due diligence. Further, there is no explanation as to what prevented them to seek amendment of the written statement during the course of trial before the learned Rent Controller. Likewise, petitioners have miserably failed to prove that the power of attorney was a forged and fabricated document.

13. The most crucial issue in the present case is that of *bona fide* personal necessity. The respondent No.1-landlord has pleaded that he intends to return to his native place and start a business for his livelihood. The learned Rent Controller, upon appreciation of evidence, has accepted the said plea as genuine. The law relating to *bona fide* necessity is well settled. In ***Sarla Ahuja v. United India Insurance Co. Ltd. (1998) 8 SCC 119***, the Hon’ble Supreme Court has held that when a landlord asserts that he requires his building for his own occupation, the Rent Controller shall not proceed on the presumption that the requirement is not *bona fide*. When other conditions of the clause are satisfied and when the landlord shows a *prima facie* case, it is open to the Rent Controller to draw a presumption that the requirement of the landlord is *bona fide*. It is often said by courts that it is not for the tenant to dictate terms to the landlord as to how else he can adjust himself without getting possession of the tenanted premises.



While deciding the question of bona fides of the requirement of the landlord, it is quite unnecessary to make an endeavour as to how else the landlord could have adjusted himself. Thus, the contention of the petitioners that respondent No.1 is settled abroad and, therefore, has no *bona fide* need is misconceived. Further, the Hon'ble Supreme Court in **Baldev Singh Bajwa v. Monish Saini (2005) 12 SCC 778** has held as under:-

“19.In our view, there are inbuilt protections in the relevant provisions for the tenants that whenever the landlord would approach the court he would approach when his need is genuine and bona fide. It is, of course, subject to the tenant's right to rebut it but with strong and cogent evidence. In our view, in the proceeding taken up under Section 13-B by the NRI landlords for the ejectment of the tenant, the court shall presume that the landlord's need pleaded in the petition is genuine and bona fide. But this would not disentitle the tenant from proving that in fact and in law the requirement of the landlord is not genuine. A heavy burden would lie on the tenant to prove that the requirement of the landlord is not genuine. To prove this fact the tenant will be called upon to give all the necessary facts and particulars supported by documentary evidence, if available, to support his plea in the affidavit itself so that the Controller will be in a position to adjudicate and decide the question of genuine or bona fide requirement of the landlord. A mere assertion on the part of the tenant would not be sufficient to rebut the strong presumption in the landlord's favour that his requirement of occupation of the premises is real and genuine.”

14. It is a settled principle of law that the requirement of the landlord must be assessed from the landlord's perspective and not from that of the tenant. Even if, during the pendency of the proceedings, another adjoining shop of similar size and with comparable access comes into the possession of the landlord, the



tenant cannot insist that the landlord should utilize that premises instead. The choice of suitability of the accommodation rests solely with the landlord, and the tenant cannot dictate terms in this regard. What is essential is that the landlord's need must be genuine, bona fide, and not a mere pretext. The landlord remains the best judge of his own requirements.

15. Upon a comprehensive consideration of the matter, this Court is of the view that the findings recorded by the learned Rent Controller and the learned Appellate Court are based on proper appreciation of evidence and settled legal principles. No perversity, illegality, or material irregularity has been pointed out which may warrant interference in revisional jurisdiction. Consequently, the present revision petition is devoid of merit and is hereby dismissed.

16. However, in the interest of justice, the petitioners are granted a period of two months from today to vacate the demised premises, subject to their filing an undertaking within a period of three weeks in this regard and clearing all arrears of rent. In case of failure, respondent No.1 shall be at liberty to execute the order in accordance with law.

17. Pending misc. application, if any, also stands disposed of.

(AMARINDER SINGH GREWAL)
JUDGE

March 27, 2026
Pankaj*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No