



CR-5291-2023 (O&M)

-1-

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

-.-

CR-5291-2023 (O&M)
Reserved on:- 13.10.2025
Pronounced on:-27.10.2025

Dinesh Kumar @ Naresh Kumar @ kaka and Others Petitioners

VERSUS

Amit Pal Respondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Sudeep Mahajan, Advocate,
Mr. Shiv Charanjit, Advocate and
Mr. Dinesh Mahajan, Advocate for the petitioners.

Mr. Dheeraj Mahajan, Advocate and
Mr. Nimish Gautam, Advocate for the respondent.

-.-

MANDEEP PANNU J.

1. The present civil revision petition has been filed by the petitioners—tenants under Article 227 of the Constitution of India, challenging the concurrent findings recorded by both the Courts below, whereby the learned Rent Controller, Gurdaspur, vide judgment dated 03.10.2019, allowed the ejectment petition filed by the respondent—landlord, and the appeal preferred by the present petitioners was dismissed by the learned Appellate Authority vide judgment dated 20.07.2023.

Brief Facts

2. The facts in brief are that the respondent—landlord, Amit Pal, filed an ejectment petition under Section 13 of the East Punjab Urban Rent Restriction Act,

**CR-5291-2023 (O&M)****-2-**

1949 for eviction of the petitioners—tenants from a shop measuring 10 feet × 18 feet, marked as ABCD in the site plan, situated on G.T. Road, Gurdaspur. The ejectment was sought against respondents No. 1 Dinesh Kumar, No. 2 Ramesh Kumar and No. 3 Vipin Kumar. It was averred that the respondent—landlord had purchased the said shop bearing Private No.11 from Akash Mahajan vide registered sale deed dated 10.08.2018, and by virtue of the said purchase, the respondent became landlord of the demised premises. It was further stated that the petitioners were liable to be evicted from the demised premises on the following grounds: firstly, that the landlord bona fide requires the premises for his personal use and occupation, as he is a qualified advocate practising at the Civil Courts, Gurdaspur, having Chamber No.70 in the Lawyers' Chambers, and intends to open his professional office in the demised shop which is suitably located on the main road; secondly, that respondent No.1 has sublet the demised premises to respondents No. 2 and 3 without written consent of the landlord; thirdly, that the tenants have materially impaired the value and utility of the demised premises; fourthly, that respondent No. 1 has ceased to occupy the premises for a continuous period of four months without reasonable cause; and fifthly, that the premises have become unfit and unsafe for human habitation, being in a dilapidated condition. It was accordingly prayed that the respondents be ordered to vacate the demised premises marked ABCD in the site plan appended with the petition.

3. Upon notice, the respondents appeared and filed a written statement raising preliminary objections that the petition was barred by res judicata, not maintainable, and that the petitioner had concealed material facts and not disclosed the previous litigation. On merits, it was denied that the petitioner had become

**CR-5291-2023 (O&M)****-3-**

owner of the demised shop or that any relationship of landlord and tenant existed between the parties. It was alleged that one Akash Mahajan, from whom the respondent purchased the shop, is an advocate practising in the same courts and had earlier acted as counsel for respondents No. 2 and 3 in an ejectment petition filed by one Dr. Ravinder Kumar against them. It was further stated that after the death of Dr. Ravinder Kumar, his legal heirs sold the shop to Mrs. Rupali Mahajan, wife of Akash Mahajan, who got herself impleaded as party in appeal proceedings arising out of that case. Later, Akash Mahajan purchased the property and filed an ejectment petition against respondent No.1 before the learned Rent Controller, Gurdaspur, which was subsequently withdrawn without liberty to file a fresh petition on the same cause of action. Thereafter, he executed a sale deed in favour of the present respondent—landlord, Amit Pal.

4. The tenants, therefore, alleged that the said sale transaction was collusive and mala fide, executed only with a view to secure their eviction, and that the sale deed was a sham transaction. It was further alleged that both Akash Mahajan and Amit Pal were junior advocates practising together under Sh. S.P. Mahajan, Advocate, and were using the sale deed to defeat the rights of the tenants. All the grounds of eviction were specifically denied, including bona fide need, subletting, material impairment, non-occupation, and unfitness of the premises. The tenants prayed that the ejectment petition be dismissed with costs.

5. From the pleadings of the parties, the learned Rent Controller framed the following issues for determination:

1. Whether the applicant requires the demised shop for bona fide requirements? OPA



CR-5291-2023 (O&M)

-4-

2. Whether the respondent has sublet the demised premises without the permission of the landlord? OPA
 3. Whether the respondent has impaired the value and utility of the demised premises? OPA
 4. Whether the respondents have ceased to occupy the demised premises for a continuous period of four months without reasonable and sufficient cause? OPA
 5. Whether the demised premises is unfit and unsafe being in a dilapidated condition? OPA
 6. Whether the ejectment petition is barred by *res judicata*? OPR
 7. Whether the present application is not maintainable? OPR
 8. Whether the applicant has concealed the material facts from the Court? OPR
 9. Relief.
6. In order to prove his case, the petitioner–landlord examined himself as AW1, and thereafter his learned counsel closed the evidence after tendering certified copies of sale deeds Ex. A3 to Ex. A5.
7. On the other hand, to rebut the evidence of the petitioner, respondent No.1 Dinesh Kumar appeared as RW1, and after his statement, the learned counsel for the respondents closed the evidence on behalf of all respondents.

Findings of the learned Rent Controller

8. The learned Rent Controller thereafter heard the arguments of the parties and proceeded to decide the issues framed as above. In view of the findings recorded on the issues, particularly Issue No. 1 regarding bona fide personal

**CR-5291-2023 (O&M)****-5-**

requirement, which was decided in favour of the petitioner, and the failure of the respondents to establish any of their preliminary objections, the learned Rent Controller concluded that the petitioner-landlord had successfully proved his bona fide need for personal occupation of the demised shop.

9. Consequently, the ejectment petition was allowed, and the respondents-tenants were directed to vacate and hand over possession of the demised premises to the petitioner within the period prescribed by law.

Findings of the Appellate Authority

10. The learned Appellate Authority, Gurdaspur, while reappraising the entire material on record and the evidence led by the parties, found no illegality, irregularity or perversity in the judgment rendered by the learned Rent Controller. The Appellate Court considered in detail the plea raised on behalf of the appellants-tenants that the profession of a lawyer is not a business and therefore, the demised shop could not be got vacated for the purpose of establishing an advocate's office. This contention was rejected on the reasoning that the requirement of a landlord for setting up his office for professional purposes, such as that of an advocate, falls squarely within the ambit of bona fide personal necessity under Section 13(3)(a)(ii) of the East Punjab Urban Rent Restriction Act, 1949.

11. The Appellate Authority further observed that the relationship of landlord and tenant between the parties had come into existence by operation of law upon the purchase of the demised premises by the respondent-landlord vide registered sale deed dated 10.08.2018 executed by Advocate Akash Mahajan, the erstwhile owner. It was held that a tenant is precluded from denying the title of his



landlord under Section 116 of the Indian Evidence Act, 1872, and hence the appellants could not challenge the validity of the said sale deed or the ownership of the respondent-landlord. The contention that the sale transaction was sham or benami was held to be baseless and unsupported by evidence. The Court observed that even if both the vendor and vendee happened to be lawyers, that by itself does not render the transaction illegal or mala fide. The purchase of property by one colleague from another cannot be doubted merely on conjecture or professional association.

12. Relying upon precedents including *Ram Saroop v. Desh Bandhu Bhalla, 2011 (1) RCR (Rent) 90* and *Ashok Kumar Jain v. Lachhman Dass, 2008 (3) RCR (Civil) 888*, the learned Appellate Authority held that an advocate's requirement of premises for establishing his professional office is a genuine and bona fide need. It was emphasized that no law prohibits an advocate from seeking eviction of his tenant from a non-residential building for professional use, and that the landlord is the best judge of his requirement. The Court noted that the demised shop, being located on the G.T. Road and easily accessible, was indeed suitable for the respondent's professional needs.

13. It was thus concluded that the learned Rent Controller had rightly appreciated the evidence in allowing the ejectment petition on the ground of bona fide personal requirement. The findings recorded by the Rent Controller on other issues were also affirmed. Consequently, the appeal was found to be devoid of any merit and was dismissed, thereby upholding the ejectment order in its entirety.

**Submissions of learned counsel for the Parties**

14. Learned counsel for the petitioners—tenants has vehemently contended that the learned Courts below have committed a serious error in allowing the ejectment petition on the ground of bona fide requirement. It has been submitted that the respondent—landlord is an advocate by profession and therefore, the premises cannot be said to be required for any business purpose so as to fall within the scope of Section 13(3)(a)(ii) of the East Punjab Urban Rent Restriction Act, 1949. It is further urged that the respondent has failed to establish any genuine or bona fide need for the demised shop, as he already has his chamber in the District Court Complex, Gurdaspur, and hence there was no necessity to seek eviction of the tenants from the shop in question. Counsel has also contended that the entire transaction between the vendor, Advocate Akash Mahajan, and the present respondent—landlord is tainted with mala fides, as both are practicing lawyers and had earlier been working together as juniors under the same senior advocate. It is submitted that Advocate Akash Mahajan had earlier filed an ejectment petition against the petitioners, which was withdrawn on 10.08.2018, and on the same date, the alleged sale deed in favour of the present respondent was executed. This, according to the learned counsel, indicates a clear collusion and design to oust the tenants under the garb of a new ownership. It is further urged that the said transaction was sham and merely a paper arrangement to facilitate eviction of the tenants, in violation of the fiduciary relationship existing between the tenant and his earlier counsel. Learned counsel thus prayed that both the orders of the courts below suffer from perversity and illegality and deserve to be set aside.



CR-5291-2023 (O&M)

-8-

15. Per contra, learned counsel for the respondent-landlord has supported the concurrent findings of the courts below. It is submitted that the respondent purchased the demised shop by way of a duly registered sale deed dated 10.08.2018 (Ex.A-2) for valid consideration, and has thereby become the owner and landlord of the premises. It is further argued that under Section 116 of the Indian Evidence Act, a tenant in possession is estopped from disputing the title of his landlord, and therefore, the petitioners are precluded from raising the plea that the sale deed was sham or benami in nature. The learned counsel contends that the respondent is a qualified and practicing advocate who genuinely requires the demised premises for establishing his professional office, which would be more convenient and accessible for his clients, being situated on the G.T. Road, Gurdaspur. It is further argued that the law does not prohibit a professional such as an advocate from seeking eviction of a tenant for the purpose of establishing his office, and such a requirement falls within the ambit of bona fide personal necessity. Counsel relies on the judgments in *Ram Saroop v. D. Bandhu Bhalla 2011 (1) RCR (Rent) 90*, and *Ashok Kumar Jain v. Lachhman Dass 2008 (3) RCR (Civil) 888*, to contend that an advocate's need for a non-residential premises for setting up an office is a genuine and recognized requirement under rent law. It is further submitted that there is not an iota of evidence to establish collusion or fraud between the vendor and vendee, and the sale deed having been registered for valid consideration cannot be termed as sham merely because the parties are from the same profession. Learned counsel therefore prayed for dismissal of the present revision petition being devoid of any merit.

**Findings of this Court**

16. After giving thoughtful consideration to the rival submissions of learned counsel for the parties, and on an independent appraisal of the evidence and material available on record, this Court is of the considered view that the present revision petition is wholly devoid of merit.

17. It is an undisputed fact that the respondent–landlord has purchased the demised premises by way of a registered sale deed dated 10.08.2018 (Ex.A-2) from the previous owner Advocate Akash Mahajan. The sale deed stands duly proved on record and has not been set aside by any competent court of law. A registered sale deed carries with it a presumption of validity, and unless the same is specifically challenged and declared void, its legal sanctity cannot be doubted. The petitioners have merely made bald allegations of collusion and mala fides without producing any cogent evidence to substantiate the claim that the sale was sham or fraudulent. Mere suspicion, however strong, cannot take the place of proof. The fact that both the vendor and vendee happen to be practicing advocates does not render the transaction illegal, as the law does not prohibit colleagues or members of the same profession from transacting inter se. The withdrawal of the earlier petition by the vendor on 10.08.2018 and the execution of the sale deed on the same date, though a coincidence, by itself cannot lead to the conclusion that the sale was a fraudulent device to oust the tenants, especially in the absence of any positive evidence to show that the vendor retained possession or control over the property after the sale.

18. In this context, Section 116 of the Indian Evidence Act, 1872, assumes significance. It is a well-settled principle that a tenant, who has entered



CR-5291-2023 (O&M)

-10-

into possession of premises under a landlord, is estopped from denying that landlord's title during the continuance of his tenancy. This principle is founded on public policy, intended to preserve the sanctity of contractual and possessory relations between landlord and tenant. The petitioners, who admittedly continue to occupy the demised shop as tenants, are therefore estopped from disputing the title of the respondent-landlord derived from a registered conveyance. The Rent Controller was thus correct in declining to entertain this collateral challenge to title, and this Court finds no reason to differ.

19. As regards the bona fide requirement of the respondent, it is well established through evidence that the respondent is a qualified and practicing advocate at Gurdaspur, presently holding Chamber No.70 at the District Court Complex. His assertion that the demised shop situated on the G.T. Road is more suitable and convenient for client access and for establishing an independent office has not been rebutted by any credible evidence. The petitioners have neither shown that the respondent is in possession of any alternative non-residential premises in the same locality, nor that the requirement pleaded is fanciful or illusory. It is trite that the landlord is the best judge of his own needs and the court cannot dictate the manner in which he should utilize his property or satisfy his necessity. Reliance in this regard can be placed on the principle laid down in ***Ram Saroop v. D. Bandhu Bhalla (supra)***, where it was held that the requirement of a landlord-lawyer for setting up his office is a genuine and bona fide need within the contemplation of the Rent Act.

20. This Court also finds that the respondent's need cannot be termed as tainted or mala fide merely because the premises were recently purchased. It is not

**CR-5291-2023 (O&M)****-11-**

uncommon for a purchaser of tenanted property to seek possession for personal use, and such an act, in itself, does not evidence bad faith. The test of bona fide requirement is not the duration of ownership but the genuineness of the intention to occupy. On a cumulative appreciation of the oral and documentary evidence, it stands established that the respondent purchased the demised shop for the purpose of establishing his professional office and not as a speculative or colorable transaction.

21. It was further contended by the tenants that the demised property was initially purchased by one Advocate Akash Mahajan, who, at the relevant time, was engaged as counsel by respondents No.3 and 4 (the tenants) in connection with certain litigation concerning the same premises, and that immediately thereafter, the said counsel sold the very property to the present petitioner-landlord, who is also a practising advocate. Assuming this factual position to be correct, such conduct of the vendor would undoubtedly be inconsistent with the professional ethics governing an advocate, for an advocate is expected to act solely in the interest of his client and not to acquire, either directly or indirectly, any interest in the subject matter of his client's litigation. However, even if such impropriety existed at the stage of purchase, it would not, ipso facto, render the subsequent sale in favour of the petitioner void or unenforceable unless it is proved that the petitioner himself was a party to such unethical design or that the transaction was a colourable device intended to defeat the tenants' rights. The remedy, in such a case, would lie by seeking appropriate declaratory relief against the impugned transaction, but the mere existence of such prior professional relationship between the tenants and their counsel does not, by itself, invalidate the title acquired by a



bona fide purchaser for value under a registered sale deed. Thus, even accepting the contention as to the professional linkage between the vendor and the tenants, the legal consequence would not be the nullification of the landlord's ownership or the bar of his right to seek eviction, unless collusion, fraud, or want of consideration is affirmatively proved on record.

22. The plea of mala fide collusion between the vendor and vendee also stands rejected. There is not a shred of evidence showing that the sale consideration was fictitious or that the vendor continued to derive benefit from the property after the sale. No material such as bank record, correspondence, or witness testimony has been produced by the petitioners to demonstrate that the transaction lacked substance. The entire defence rests upon conjecture and professional proximity between two lawyers, which cannot, by itself, be elevated to proof of fraud. It is well settled that suspicion, however grave, cannot take the place of proof, and a duly registered sale deed cannot be invalidated on surmises and conjectures.

Conclusion

23. Accordingly, this Court holds that the respondent-landlord has successfully established his bona fide requirement for the demised shop for his personal and professional use and that the petitioners-tenants have failed to substantiate their plea of mala fide collusion or sham sale. The findings of the courts below on these aspects are well reasoned, supported by law and evidence, and do not suffer from any illegality, irregularity, or perversity warranting interference in revisional jurisdiction.



24. For the reasons stated above, this Court is of the considered view that the tenants are liable to be evicted from the demised shop as per the decree of the Rent Controller affirmed by the Appellate Authority. The Civil Revision Petition stands dismissed being devoid of any merit.

25. Pending application(s), if any, also stand disposed of.

October 27, 2025
tripti

(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No