



CR-7716-2025 (O&M)

-1-

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

-.-

CR-7716-2025 (O&M)
Reserved on:-31.10.2025
Pronounced on : 04.12.2025
Uploaded on:- 04.12.2025

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced:* *operative part/full judgment*

Vikas

....Petitioner

VERSUS

Jai Bhagwan Mittal and Others

....Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Sanjiv Gupta, Sr. Advocate with
 Mr. Aayush Bansal, Advocate for the petitioner.

Mr. Kunal Dawar, Sr. Advocate with
 Mr. Abhinav Gupta, Mr. Jatinder Kansal, Advocates and
 Mr. Sourav Bajaj, Advocate
 for contesting respondent No.1.

Respondents No.2 to 4 are proforma respondents.

-.-

MANDEEP PANNU J.

1. The present Civil Revision Petition has been filed by the petitioner–tenant challenging the concurrent findings recorded by the learned Rent Controller, Jind vide order dated 31.05.2023 and by the learned Appellate Authority, Jind, vide order dated 23.09.2025, whereby the appeal filed by the petitioner–tenant was dismissed and the order of eviction passed by the Rent Controller was upheld.

Brief Facts

2. Briefly stated, the facts of the case are that the respondent in the present revision petition (petitioner–landlord before the Rent Controller) filed a

**CR-7716-2025 (O&M)****-2-**

petition under Section 13 of the Haryana Urban (Control of Rent & Eviction) Act, 1973 seeking eviction of the tenants from a shop situated opposite Old Bus Stand, near Manju Hotel, Jind. According to the landlord, the shop was initially let out in the year 1992 to one Shri Chabil Dass at a monthly rent of ₹300/-. Upon his death, his son Subhash continued in occupation as a legal heir. After Subhash also passed away, the present tenants stepped into possession of the shop, and the current rate of rent is ₹560/- per month. The allegation of the landlord is that the tenants are in arrears of rent w.e.f. 01.01.2007, and therefore, eviction is sought on the ground of non-payment.

3. It is further the case of the landlord that the shop in question is extremely old and has become dilapidated, with several cracks developing in the structure. The landlord has also pleaded bona fide requirement, asserting that he requires the premises for his son Rahul Mittal, who intends to start a hotel and restaurant business. The landlord owns five shops in total, one of which is in his own possession while the other four are with different tenants, and separate eviction petitions have been filed against each of them. The landlord proposes to vacate all five shops and reconstruct a new building over the entire 315 square yards for running the proposed hotel and restaurant business. He has further pleaded that his son Rahul has acquired experience in hotel management from Hotel Pelican, Ghaziabad and has no other business at present. The landlord claims to have requested the tenants to vacate the premises but without success, leading to the filing of the present eviction petition.

4. Upon notice, the tenants appeared and filed a joint written statement raising several preliminary objections. They contended that they have no

**CR-7716-2025 (O&M)****-3-**

alternative accommodation for their livelihood and that the petition is false, frivolous and filed without any bona fide requirement. The tenants also alleged that the ground of non-payment is not available to the landlord as they had already deposited/paid rent on 23.01.2017. They denied that the shop is damaged or unfit for use and claimed that they are running their business smoothly in the premises. It was further pleaded that the landlord's son Rahul Mittal is already self-employed, married and residing in Delhi, where he is allegedly running an industry related to shoe manufacturing. The tenants alleged that the landlord had concealed ownership of several other commercial properties in Jind, and that two shops had been recently transferred to the landlord's son Bhaskar Mittal and to his brother Sushil Kumar only to create a false ground of need. They also denied the feasibility of constructing a hotel on 315 square yards and asserted that the petition is devoid of merit.

5. On the basis of the pleadings, the learned Rent Controller framed the following issues:

1. Whether the petitioner (landlord) is entitled to the ejectment of the tenants from the shop stated in the petition? OPR
2. Whether the petition is not maintainable in the present form? OPR
3. Whether the petitioner has no cause of action and locus standi to file the present case in hand? OPR
4. Relief.

6. Thereafter, both sides led evidence. The respondent-petitioner examined himself as PW-1, Rahul Mittal as PW-2, and the Local Commissioner



Prem Chand as PW-3, and tendered documents including the site plan, rent receipts, written agreement, and certificate of training obtained by Rahul Mittal from Hotel Pelican.

7. On the other hand, the tenants examined Vikas as RW-1 and produced documents such as Aadhar card of Rahul, Facebook profile of Rahul Mittal, municipal assessment register entries, photographs, and educational certificate of Rahul to demonstrate that he is not residing in Jind and is not interested in running any hotel business.

Findings of the learned Rent Controller

8. On perusal of the material placed on record and after considering the submissions addressed by learned counsel for the parties, the learned Rent Controller allowed the eviction petition filed by the landlord vide the impugned order.

Findings of The Appellate Authority

9. Aggrieved by the said order, the tenants preferred an appeal before the learned Appellate Authority. Along with the appeal, the tenants also moved an application seeking permission to lead additional evidence by placing on record certain revenue documents, including Jamabandi, mutation entries, conveyance deeds and some correspondence from the Municipal Department, asserting that the said documents formed part of public record and would demonstrate that the landlord was in ownership and possession of other properties which he had deliberately concealed. The said application was contested by the landlord, however, the learned Appellate Authority allowed the application for additional evidence



10. After hearing learned counsel for the parties and examining the entire trial court record, the Appellate Authority formulated the central issue for consideration, namely whether the requirement of the landlord-respondent for the demised premises was bona fide. It was noticed that although the eviction petition was initially founded on two grounds i.e. arrears of rent and personal necessity. The arrears had been cleared during the pendency of the petition, and therefore the controversy before the Authority was confined only to the genuineness of the landlord's plea of personal requirement.

11. The Authority recorded that the landlord stepped into the witness box as PW-1 and fully supported his pleadings that he required the shop, along with the adjoining shops forming a compact block of 315 square yards, for establishing a hotel and restaurant to be run jointly by him and his son Rahul Mittal. The landlord deposed that Rahul Mittal was unemployed, residing with him at Jind, and had also undergone training at Pelican Hotel to prepare himself for running the proposed establishment. Rahul Mittal also entered the witness box as PW-2 and admitted that he and his family sometimes stayed in Delhi, but he did not deny his association with the business plans of his father. The Authority observed that mere mention of being "self-employed" on Facebook by Rahul Mittal did not conclusively establish that he had a settled business in Delhi or that he lacked intention to return to Jind. It was held that social media posts cannot form the basis to negate a duly pleaded and proved requirement.

12. The Authority rejected the tenants' contention that Rahul Mittal had permanently settled in Delhi or was running a viable business there. It noted that no evidence had been produced to establish existence of any such settled business.



On the contrary, evidence showed that Rahul Mittal had earlier worked in the garment business in Jind, thus revealing that his occupation had not been stable or permanent. The Authority held that merely because a landlord's son is currently residing outside the town cannot be a ground to disbelieve the landlord's bona fide requirement, especially when there is no suggestion that Rahul is engaged in government or semi-government service from which he cannot disengage.

13. The Authority further held that the requirement pleaded by the landlord was not a mere desire but a genuine need. It considered the suitability of the premises, noting that the entire 315 square yards block is situated in a commercially advantageous location with access to roads on all four sides, making it ideal for the construction of a hotel and restaurant. It was emphasised that the landlord had already filed eviction petitions against all four tenants occupying the adjoining shops, clearly demonstrating the integrated nature of his plan. The Authority reiterated the settled position that the landlord is the best judge of his own need, and neither the tenant nor the courts can dictate how or in what manner the landlord should utilise his property.

14. The Authority then examined in detail the second limb of the landlord's case that the building was more than 50 years old, dilapidated and unsafe for human habitation. The report of the Local Commissioner, an SDO of PWD (B&R), was relied upon, which stated that the structure was old, dangerous and unfit for habitation. Although the report was not exhibited formally, it remained part of the record and was prepared by an impartial government officer appointed by the Court. The Authority held that the failure of the tenants to summon any expert witness to rebut the technical findings of the Local



Commissioner strengthened the landlord's case. Even though no notice had been issued by the Municipal Committee regarding the dilapidated condition, the Authority held that such absence was not conclusive because the landlord or tenants had never sought repair, and the building's age and visible cracks corroborated the landlord's plea.

15. On the tenants' plea that the landlord owned agricultural land and other commercial properties, the Authority held that ownership of agricultural land was irrelevant because it cannot legally be used for a hotel or restaurant without conversion. As to the allegation of transfer of urban properties before the filing of the petition, the Authority accepted the landlord's explanation that these transfers were part of a family settlement and that properties transferred prior to the petition could not be read against the landlord. It held that mere ownership of other properties does not defeat the landlord's need unless the tenant proves that the landlord is actually occupying a similar alternative premises, something the tenants failed to establish.

16. The Authority rejected the argument that the landlord was obliged to produce an approved building plan. It noted that the first step in construction is to have the premises vacated and demolished, and only thereafter can the landlord approach authorities for sanction. The tenant cannot insist on production of an approved map as a pre-condition for eviction. The Authority also considered the various precedents relied upon by the tenants but held that none squarely applied to the facts since the present case involved not only genuine personal necessity but also a proven dilapidated structure.



17. Ultimately, the Appellate Authority held that the landlord had successfully proved both grounds, bona fide personal requirement as well as the building being dilapidated and unsafe. The tenants' entire defence was found to be speculative, unsupported by evidence, and largely based on conjectures. Observing that no other argument survived, the appellate court dismissed the appeal with costs, upholding the judgment of the Rent Controller and directing eviction of tenant .

18. Aggrieved by the concurrent findings of the Courts below, the tenant-petitioner has approached this Court by way of the present revision petition, which is contested by respondent no.1-landlord at the preliminary stage before issuance of notice of motion.

Submissions on behalf of the petitioner- tenant

19. Learned counsel for the petitioner argued that the impugned orders suffer from grave illegality, misreading of evidence and non-consideration of vital material placed on record. It was contended that there is no bona fide requirement, and that the petition is wholly motivated by greed and not by need. According to the petitioner, the landlord is nearly 75 years old and his son Rahul Mittal, for whose alleged need the premises are sought, has permanently settled in Delhi at L-11/1, Phase II, Vijay Vihar, Rohini, along with his wife and children, where he is running a flourishing industry of manufacturing shoe uppers. It was submitted that it is wholly against human conduct and common sense that a person already engaged in a thriving business in the NCR region would abandon everything and shift to a small town like Jind merely to start a hotel or restaurant. The eviction



plea is therefore asserted to be a fictitious ground created only to oust an old tenant.

20. It was further argued that the Courts below have completely overlooked the settled legal requirement that when eviction is sought on the ground of need of the landlord's son, it must be proven that neither the landlord nor the son is occupying any other suitable building in the same urban area and that they have not vacated such building without sufficient cause. Reliance was placed upon Ex.R3 and Ex.R4 to substantiate that the landlord had two commercial buildings in the Main Bazar, opposite Police Station City, Jind, one of which was transferred in the name of his other son Bhaskar Mittal and another in the name of his brother Sushil Mittal immediately before the filing of the petition, thereby demonstrating deliberate concealment of material facts.

21. It was submitted that the landlord is in possession of vast properties in urban Jind including valuable vacant plots on old Court Road, Rohtak Road, near Rajbaha No.7, near Palika Bazar, near Telephone Exchange, on old Hansi Road, and in Hanuman Gali, Jind City, but all these have been malafidely withheld in order to secure the eviction of a poor tenant. The Courts below, despite detailed documentary evidence, failed to appreciate that the concealment itself disentitles the landlord to eviction.

22. Assailing the finding of dilapidation, learned counsel contended that the Local Commissioner conducted only a superficial, visual inspection and did not undertake any chemical analysis or structural testing, and that visual inspection alone cannot lead to a finding of inhabitable condition. Even the alleged crack noted by the Local Commissioner is minor, above roof level, and is in the external



plaster rather than in the structural wall. It was argued that the crack appeared only after the landlord deliberately demolished the roofs of adjoining shops that had fallen vacant. No report exists regarding whether the crack is old or new, or whether it is repairable or irreparable. It was further submitted that mere age of the building cannot form the basis of declaring a building unsafe without unimpeachable evidence showing that the entire integrated structure is in a dilapidated condition.

23. Learned counsel submitted that the Local Commissioner's report does not even clearly specify whether the alleged crack relates to the present tenanted premises or the adjoining shop of Shanti Parkash, and therefore the courts below misread the report. It was argued that the landlord himself opposed the prayer for appointment of a second Local Commissioner, despite the serious dispute on condition, and the courts below wrongly declined that request.

24. It was also urged that Ex.P6, the alleged certificate from Pelican Associates claimed to show that Rahul Mittal had undertaken hotel training, is a fabricated and manipulated document which is inadmissible in evidence, as no witness from Pelican Associates appeared to prove the document, no hotel is shown anywhere in the certificate, and no training details are mentioned. The courts failed to draw adverse inference for non-production of any diploma, degree or training proof by either the landlord or his son.

25. Lastly, it was argued that in view of the above legal and factual position, issue Nos. 2 and 3 ought to have been decided against the landlord holding that the petition is not maintainable and that the landlord has no cause of action. The findings of the courts below are stated to be the outcome of manifest



irregularities, leading to miscarriage of justice, and the orders dated 31.05.2023 and 23.09.2025 are liable to be set aside.

Submissions on behalf of the respondent - landlord

26. Learned counsel for the respondent supported the concurrent findings of both courts below and submitted that the landlord has proved a genuine and reasonable requirement for demolition of the entire block of five shops and reconstruction of a hotel/restaurant for his son. It was argued that the tenants have not proved a single alternative suitable commercial building in the landlord's exclusive possession and that the documents produced as additional evidence pertain either to ancestral agricultural land or properties not capable of being used for the proposed business. It was contended that minor contradictions regarding residence of the son or timing of training do not affect the core requirement, and it is not for the tenant to dictate where the landlord or his son should conduct their business. The Local Commissioner's report is a court-appointed neutral inspection and the tenants, having failed to produce any counter-expert, cannot now challenge its credibility. It was further argued that the scope of revision is limited and no perversity has been shown.

Findings of This Court

27. Having considered the rival submissions and carefully examined the record, this Court finds that the impugned orders do not suffer from any perversity, illegality or jurisdictional error warranting interference in revisional jurisdiction. The Rent Controller as well as the Appellate Authority have undertaken a detailed, evidence-based analysis of both the bona fide requirement of the landlord and the



condition of the premises, and this Court is satisfied that both findings rest on a sound appraisal of material.

28. The plea of concealment raised by the tenants is not borne out from the evidence. The documents pressed by the petitioners relate either to agricultural land, ancestral plots, or co-owned immovable properties which are neither vacant, nor suitable nor available exclusively to the landlord for establishing the proposed hotel/restaurant. The transfer of two shops within the family stands duly explained in evidence as part of an earlier arrangement, and the petitioners have failed to prove that any of these shops were vacant or suitable for the intended construction. Thus, unlike cases where the landlord conceals vacant commercial premises in his possession, no such circumstance arises here, and the plea of mala fides cannot be accepted.

29. Regarding bona fide requirement, the consistent evidence of PW-1 and PW-2, supported by the Local Commissioner's report, establishes that the landlord intends to reconstruct the entire block of shops into a new commercial hotel-cum-restaurant. The requirement is not of an isolated shop but of the integrated building, which by its very nature necessitates vacation of all shops forming part of the block. The argument that the son resides in Delhi and therefore cannot intend to establish business at Jind is wholly speculative. The Rent Act does not oblige a landlord's son to abandon his current residence before planning a business. What is relevant is the genuineness of the intention, not the present place of residence.

30. On the question of condition of the premises, the Local Commissioner's findings on the age and structural infirmities of the building have



been correctly appreciated. The tenants led no expert evidence to contradict the report or to show that the structure is safe. A court-appointed Local Commissioner's report, unless convincingly rebutted, carries due evidentiary value. The minor description of the crack does not diminish the overall factual finding that the building, constructed more than five decades ago with visible patched walls and decayed material, requires demolition. The challenge to the lack of chemical analysis or lab testing is misplaced, as courts routinely rely on Local Commissioner reports in eviction cases involving building condition, particularly where the opposing party produces no technical material in rebuttal.

31. The objections to Ex.P6 do not assist the tenants. Even if Ex.P6 is excluded, the requirement does not fail, because the landlord's bona fide need is not dependent on the son already being trained. A landlord is not required to prove prior training or qualification for the intended business; the law requires only a genuine desire to use the premises.

32. The judgments relied upon by the tenants, namely *Ajit Singh and Another Vs. Jit Ram and Another 2008(4) RCR (Civil) 390* and *Harbans Singh and Another Vs. Balwinder Singh and Other 2020(2) RCR (Rent) 119*, do not assist them. In both cases the landlord had concealed vacant commercial premises in his exclusive possession and the Courts held that such concealment negates bona fide requirement. In the present case, no such vacant alternative premises has been proved, the properties relied upon by the tenants are agricultural lands, co-owned ancestral sites, or family transfers predating the petition, none of which are suitable alternative commercial buildings. Further, those cases did not involve demolition of an integrated block of shops or a reconstruction plan, whereas the present case

**CR-7716-2025 (O&M)****-14-**

specifically rests on the landlord's need to reconstruct the entire structure into a hotel/restaurant. The factual matrix is therefore entirely different, and the ratio of the cited cases does not apply.

Conclusion

33. Thus, the findings of both courts below are based on proper appreciation of evidence, consonant with the legal principles governing bona fide requirement and demolition and reconstruction under the Rent Act.

34. Accordingly, this Court holds that the petition is dismissed in limine and the concurrent judgments passed by the Rent Controller and the Appellate Authority warrant no interference.

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

December 04, 2025

tripti

(MANDEEP PANNU)**JUDGE**

Whether speaking/non-speaking : Speaking

Whether reportable : Yes/No