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

Date of decision : 02.12.2024

CR-6422-2019 (O&M)

M/s Chajju Ram Arjun Kumar and another vs. Rai Bahadur Sewak Ram
Trust Society and others

CR-1955-2020 (O&M)

CR-1956-2020 (O&M)

Varinder Kumar and another vs. Rai Bahadur Sewak Ram Trust Society and
others

CR-2082-2020 (O&M)

M/s Sahni Printing Press vs. Rai Bahadur Sewak Ram Trust Society and
another

CR-2109-2020 (O&M)

M/s Anant Ram Kewal Krishan vs. Rai Bahadur Sewak Ram Trust Society
and others

CR-6436-2019 (O&M)

M/s Atma Ram Mulkh Raj Mahajan and another vs. Rai Bahadur Sewak
Ram Trust Society Regd. and another

CR-6438-2019 (O&M)

Saudagar Mal now deceased through LRs vs. Rai Bahadur Sewak Ram Trust
Society and another

CR-7326-2019 (O&M)

M/s Ram Lal Subhash Chander thr. LRs vs. Rai Bahadur Sewak Ram Trust
Society and another

CR-5930-2023 (O&M)

Charan Dass (since deceased) through his LRs vs. Rai Bahadur Sewak Ram
Trust Society and another

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Suvir Kumar, Advocate
for the petitioner(s) in
CR Nos.6422, 6436, 6438 & 7326 of 2019



and CR No.2109 of 2020.

Mr. Munish Puri, Advocate
for the petitioner(s)
in CR Nos.1955, 1956 and 2082 of 2020.

Mr. Amandeep Singh Manaise, Advocate
for the petitioner in CR-5930-2023.

Mr. Nikhil Chopra, Advocate and
Mr. Shubham, Advocate for
the respondents (in all cases).

PANKAJ JAIN, J. (ORAL)

This is a bunch of 9 revision petitions filed by the tenants aggrieved of order of eviction passed by the Rent Controller, Pathankot and affirmed by the Appellate Authority, Pathankot.

2. All the petitioners are tenants under the same landlord which is a Charitable Society registered under the Societies Registration Act, 1860. Apart from CM Nos.4640 & 4641-CII of 2022 filed in Civil Revision Petition No.6422 of 2019, the issue involved in all the revision petitions is same. All the tenants have been ordered to be evicted on the ground of *bona fide* need projected by the Trust.

CM-4641-CII of 2022

This is an application filed under Order 41 Rule 27 CPC to lead evidence to prove that the respondent/Trust is not the owner of the property.

In the considered opinion of this Court, the aforesaid application and the evidence sought to be produced by way of additional



evidence will have no bearing on the merits of the case for more than one reason.

Firstly, Section 2(c) of the Punjab Rent Act, 1995 defines ‘landlord’ which reads as under:

“2(c) "Landlord" means a person who, for the time being is receiving or is entitled to receive the rent of any premises, whether on his own account or on account of or on behalf of, or for the benefit of any other person or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent, if the premises were let to a tenant;”

Thus, in order to maintain the petition and for being a landlord, one does not necessarily need to be an owner. The other reason is that so far as relationship between the parties is concerned, the same was never in dispute and thus, in view of Section 116 of the Indian Evidence Act, tenant is precluded from disputing the title of the landlord.

In view of above, this Court finds that the evidence sought to be produced by way of additional evidence is not required by the Court to adjudicate the issue in hand as the same will have no bearing on the merits of the *lis*.

Resultantly, the application is dismissed.

Main Revision Petitions

Parties hereinafter referred to by their status i.e. the petitioners as the tenants and respondent No.1 as the landlord.



2. With the consent of the counsels, CR No.6422 of 2019 is taken as a lead case and the facts are being culled out from the same.
3. Landlord a Charitable Society registered under the Societies Act, 1860 filed eviction petitions under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 through it's Secretary authorized vide resolution dated 16th of July, 1996.
4. Landlord claims that the demised premises in the form of shops were let out to the tenants. Landlord needs the demised premises for its own *bona fide* use as they want to build hospital and the demised premises is required for construction of the same. Apart from *bona fide* need, landlord also sought eviction of the tenants on the ground of non-payment of arrears of rent, material alterations in the building leading to impairment in the value and utility of the demised premises as well as subletting.
5. Rent Controller dismissed the eviction petition filed by the landlord holding that AW-1 Jaswant Singh Sandhu appearing on behalf of the Society could not tell about the amount lying in the account of the Society. No site plan regarding construction of the hospital was placed on record and no resolution was produced to show that the landlord-Society resolved to construct hospital as claimed.
6. In appeal preferred by the landlord, Appellate Authority held that *bona fide* need of the landlord stands proved in the earlier *lis* initiated against tenant Kailash Chand @ Kailash Chander. AW-1 Jaswant Singh



Sandhu appeared on behalf of the Society and proved that the society wanted to construct hospital. The Society is already running a Charitable Hospital at 32, Kapurthala Road, Jalandhar. The *bona fide* need having already been proved in the earlier *lis* and the same having been upheld up to this High Court, the petitioners are liable to be evicted.

7. Counsels for the petitioners while assailing the impugned judgments passed by the Courts below submit that well reasoned findings recorded by the Rent Controller, have been reversed by the Appellate Authority. There being no evidence on record w.r.t. Society having resolved to construct and run charitable hospital, the findings recorded by the Appellate Authority cannot be sustained.

8. Per contra, counsel for the respondent/landlord has produced order dated 15th of July, 2013 passed by this Court in Civil Revision No.3957 of 2013 relating to *lis* initiated by the respondent/landlord against one of the tenants occupying similar shop. This Court while upholding the *bona fide* need of the landlord held as under :

“Learned counsel for the petitioners has further challenged the findings of the courts below on the issue of bonafide requirement of the respondent-landlord. It has been argued before this Court that the findings of the courts below are not based upon any evidence and in fact, both the courts below without discussing the evidence on record in this regard have given the finding in favour of respondent-landlord, just after discussing the law, and therefore, this ground is not made out and the same is liable to be reversed in favour of the petitioners.



Again, the argument raised is liable to be rejected outrightly.

The respondent-landlord in its eviction petition has specifically pleaded its bonafide requirement to set up a Charitable hospital and dispensary in the tenanted premises. The aforesaid pleadings are duly supported by the statement of the respondent-landlord.

The ground raised has been contested by the petitioners on the ground that the area of Pathankot does not require any such Charitable hospital and moreover, no such charitable work has been done by the respondents-landlords in the area nor they have any resources to do so, and thus, it cannot be held that the respondents require the premises in question for their bonafide use.

At this stage, it may be noticed that the law pertaining to bonafide requirement of the rented premises by the landlord is well settled. Hon'ble the Supreme Court as well as this Court in various judgments have laid down the ratio of law in the following words:

“(1) That while establishing case of the bonafides of requirement the tenant can not dictate terms or question the bona fides of the landlord. The landlord would be the best judge of his requirement.

(2) That the Rent Controller can not begin with the presumption that there was lack of bona fides of the requirement of the landlord.

(3) That the landlords would have complete freedom to decide nature of business which he would carry on.”

Thus, the argument raised on behalf of the petitioners is without any basis. Once the respondent-landlord has pleaded its specific need which has been further corroborated by his statement, the Rent Controller cannot presume the same to be lacking in bonafides. In fact, the need of the respondent-landlord is to be taken as genuine and it is only if there is evidence led on behalf of



the tenant to the contrary such ground is to be rejected. Admittedly, there is no evidence on record produced on behalf of the petitioners-tenants to controvert the said bonafide requirement of the respondent-landlord. The grounds as raised are not available to the petitioners in view of the well settled proposition of law in this regard.”

9. Counsels for the petitioners are not in position to dispute that the shop got evicted from Kailash Chand @ Kailash Chander vide order dated 15th of July, 2013 passed in CR No.3957 of 2013 is still lying vacant as the landlord is waiting to get the other shops evicted to start construction of the hospital.

10. In view of the aforesaid facts wherein the *bona fide* need of the landlord to construct and run the hospital having already been affirmed up to this Court, this Court does not find any reason to take a view different from the one formulated by the Co-ordinate Bench.

11. Trite it is that the revision jurisdiction of this Court under Section 15(6) is much narrow as compared to jurisdiction exercised under Section 100 CPC while entertaining second appeal. This Court while entertaining revision cannot be asked to re-appreciate the evidence until & unless a material illegality is demonstrated. There is no such illegality pointed out by the counsels for the petitioners that can persuade this Court to interfere while exercising revisional jurisdiction.

12. In view of above, finding no merit in the instant revision petitions, the same are ordered to be dismissed.



- 13. Pending application(s), if any, shall also stand disposed off.
- 14. A copy of this order be kept on the files of other connected cases.

December 02, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No