



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CR-495-2020(O&M)
Date of decision: 16.07.2025

M/s Chamba Shimla Road (P) Ltd

...Petitioner(s)

Vs.

Tanu Singh

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rajbir Singh Guron, Advocate
for the petitioner.

Mr. Paras Money Goyal, Advocate
for the respondent.

NIDHI GUPTA, J.

Present Revision Petition has been filed by the tenant against the concurrent judgments passed by the learned Authorities below whereby Rent Petition filed by the respondent/landlady under Section 13 of the East Punjab Urban Rent Restriction Act for eviction of the petitioner was allowed by the Rent Controller vide order dated 23.12.2016; and the appeal filed by the petitioner was dismissed by the learned Appellate Authority vide order dated 06.12.2019.

2. Brief facts of the case are that the respondent is joint owner and landlady of the Saw Mill Site No.31, New Timber Market, Sector 26, Chandigarh. This Building consists of four units - the basement, the ground



floor, and two rooms on the first floor. The building is in the ownership of the respondent and her father-in-law. Originally, the entire building was taken on rent by the petitioner in the form of four tenancies. Subsequently, three tenancies were surrendered by the petitioner; and presently the petitioner is occupying 50% of the ground floor (hereinafter referred to as “demised premises”). Present petition seeking eviction of the petitioner from the demised premises was filed by the respondent on dated 23.04.2012 primarily on three grounds; (i) non-payment of rent; (ii) material impairment by making structures and major demolition changing the sanctioned structure of Building contrary to the sanctioned plans; (iii) personal bona fide necessity of the landlady.

3. It was pleaded by the landlady in the Rent Petition that she is co-owner of the Saw Mill and that she requires the entire building for using the same as office/showroom/godown as she is a well-qualified designer and was running her business under the brand name of “Rituals”, which had a good reputation in the market in the field of Event Management. However, due to paucity of space, she was constrained to run her office from her residence, which is not permitted under the bylaws of Chandigarh. Moreover, she was unable to expand her work. Accordingly, eviction of the petitioner was sought from the demised premises.

4. The Rent Petition was resisted by the petitioner on various grounds. Preliminary objections were raised that petition is not maintainable



for non-joinder of necessary parties; that conduct of respondent was reprehensible as she had not approached the Court with clean hands and had concealed material facts. It was further averred that the petitioner was running a Transport Business from the demised premises. Rest of the averments in the Rent Petition were denied and prayer for dismissal of the Rent Petition was made.

5. In the rejoinder filed by the landlady, submissions made in the Rent Petition were reiterated and those of the written statement were denied. On the basis of pleadings of parties, following issues were framed: -

“1. Whether the respondent is liable to be evicted from the premises on account of material impairment? OPP

2. Whether the premises are required for use and occupation of the petitioner (personal necessity)?OPP

3. Whether the respondent is liable to be evicted on account of non-payment of rent which has further increased on account of levy of property tax?OPP

4. Relief.”

6. Vide order dated 23.12.2016, learned Rent Controller allowed the Rent Petition only on ground of personal bona fide requirement; and vide



order dated 06.12.2019, the appeal filed by the petitioner was dismissed by the learned Appellate Authority. Hence, present Revision Petition.

7. It is inter alia submitted by learned counsel for the petitioner-tenant that the learned Authorities below were in patent error in passing the impugned orders as, as on date, there is no bona fide need of the landlady. It is contended that the bonafide need of the respondent landlady must not only exist at the time of the filing of the petition but shall also subsist during the pendency of the appeal and revision and must not be eclipsed on account of any subsequent event. It is pointed out that during the course of the present litigation, of the four units previously occupied by the petitioner, three had been vacated. As such, the need of the landlady stood satisfied; and therefore, the impugned orders are unsustainable.

8. It is pointed out that the petitioner-tenant in order to establish and prove that the need of the tenanted premises no longer subsisted on account of subsequent events, had moved an application dated 21.02.2009 before the Appellate Authority under Order 41 Rule 27 read with Section 151 of C.P.C. (Annexure P-1) submitting therein that the landlords including the respondent had filed four independent cases seeking eviction of the petitioner from the building in question, on the ground of personal bonafide need of Mrs Tanu Singh. All four cases were contested by the petitioner alleging that the need of Mrs Tanu Singh as projected is malafide and the landlords do not intend to do any business in the premises as wrongly



alleged. All four petitions were allowed. However, three tenancies were surrendered i.e. the entire basement floor was surrendered, on 17/7/2018, and the other half on 17/12/2018. The ground floor front portion along with room at the first floor was surrendered on 22/11/2018. Thus, majority of the building on the dates as detailed above, came into the possession of the landlady for her business but the same has been kept vacant and no business is being conducted from there. It is submitted that therefore, it was upon the landlady to prove that despite having got possession of majority of the building, her bona fide need still exists and eviction against the petitioner is liable to be maintained. In support, learned counsel relies upon judgments of Hon'ble Supreme Court in **Amarjit Singh v. Smt. Khatoon Quamarain, (SC) : Law Finder Doc ID # 54935; Hasmat Rai and anr v. Raghunath Prashad, (SC) : Law Finder Doc ID # 57288; M.M. Quasim v. Manohar Lal Sharma, (SC) : Law Finder Doc ID # 57211;** judgment of Orissa High Court in **Mohd. Zahid @ Zahid Mohammed v. Binoy Krushna Dey, (Orissa) (D.B.) : Law Finder Doc ID # 19505;** and judgment of this Court in **Mehtab Singh Advocate v. Shri Tilak Raj Arora and anr., (P&H)(DB) : Law Finder Doc ID # 54511.** Learned counsel in particular refers to judgment of Hon'ble Supreme Court in **Hasmat Rai (supra)** wherein it is held that: -

"A. M.P. Accommodation Control Act 1961, Sections 12(1)(f) and 2 (i) - Subsequent events - bonafide requirement - Decree of eviction passed against tenant - Tenant filing an appeal Necessity of landlord ceased to exist during pendency of appeal



Appellant Court has to take into account subsequent events - Requirement of landlord must continue to exist throughout progress of litigation till decree of final court. 1975 RCR 486 (S.C.) relied. 1971 MPLJ 888 overruled.”

9. Ld. counsel accordingly prays that the impugned orders be set aside.

10. Per contra, learned counsel for the respondent/landlady vehemently opposes submissions made on behalf of the petitioner. It is submitted that it is established position in law that requirement of landlord is to be seen on the date of filing of Rent Petition. It is pointed out that the learned Courts below by concurrent findings have found the need of the landlady to be genuine.

11. Learned counsel for the respondent further submits that even today requirement of the respondent is genuine. It is submitted that the demised premises is part of a building of which, as pointed out by the petitioner, 3 portions have been vacated by him. However, as was pleaded by the landlady in her Rent Petition, the entire building which forms one unit, is required by her to run her business. It is reiterated that it has been the consistent case of the respondent since the beginning that she requires the entire building to run her business. However, as the petitioner is occupying a part of the building, she is unable to run her business from the building in question, let alone expand it. Moreover, immense loss and harm has already been caused to the respondent as despite undergoing 13 years of prolonged



litigation, the petitioner has not vacated the demised premises despite concurrent judgments against him. It is submitted that the respondent had started renovation of the building and had even spent considerable amount on the partial renovation carried out, however, as a part of the building continues to be in possession of the petitioner, she is unable to establish her business. Therefore, continuous loss is being caused to the respondent. It is pointed out that in actual fact, the petitioner had even disputed the title of the respondent to the demised premises and as such, petitioner is estopped from filing the present revision petition.

12. It is also pointed out that in the written statement filed by the petitioner before the Rent Controller, no objection was raised by the petitioner that necessary ingredients to prove bona fide requirements had not been pleaded by the respondent in the Rent Petition. Admittedly, no evidence was produced by the petitioner to show that respondent is owner of any other commercial property in the urban area of Chandigarh. On the contrary, as per the bylaws of Chandigarh, the respondent cannot run commercial activity from residential premises. Thus, genuine bona fide requirement of the respondent is proved. Vacating of other tenanted portion by the petitioner does not satisfy personal requirement of landlord. Further, as per established precepts of law, it is not for the tenant to dictate the terms to landlord as to how she can adjust herself without getting possession of tenanted premises. Suitability of premises for the need of



landlady is to be considered as per convenience of landlady. Landlady has freedom to see as to how she has to utilise his property. It is contended that it is not for the tenant to adjudge the requirement of the landlady; and therefore, there is no error in the orders impugned herein and present petition be dismissed. Learned counsel relies upon judgments of this Court in **Inder Kaur v. Bant Singh (now dead) through his LRs (Punjab and Haryana) : Law Finder Doc ID # 634683; Malook Singh v. Prithipal Singh (Punjab and Haryana) : Law Finder Doc ID # 634292; Gian Kaur (Mrs.) v. Krishna Anand (Mrs.), (P&H) : Law Finder Doc ID # 124640; Lal Bahadur v. Daman Chopra and another, (Punjab and Haryana) : Law Finder Doc ID # 2156142; Smt. Vijay Luxmi v. Hukum Chand, (Punjab And Haryana) : Law Finder Doc ID # 2290464; judgments of Hon'ble Supreme Court in Sarla Ahuja v. United India Insurance Company Ltd., (SC) : Law Finder Doc ID # 15701; Shiv Sarup Gupta v. Dr. Mahesh Chand Gupta, (SC) : Law Finder Doc ID # 14932.**

13. No other argument is made on behalf of the parties.

14. I have heard learned counsel and perused the case file in great detail and given my thoughtful consideration to the rival submissions made on behalf of both the parties. I find no merit in the submissions made on behalf of the petitioner.

15. As pointed out above, the petitioner was inducted as tenant in the Saw Mill which comprised of four units - basement, ground floor and 2



rooms on the first floor, all of which are situate in the one building. The building is in the ownership of the respondent and her father-in-law to the extent of 50% each. The conjoint full building was let out to the petitioner. 4 tenancies were created in the said building, 2 of which were created by the present respondent/landlady and 2 by her father-in-law. It is admitted case of the petitioner that all the 4 tenancies were in the name of the petitioner from which he was running 2 Transport Businesses which were sister concerns. It has been contended on part of the petitioner that after assessment of mesne profits was made on the higher side by the Appellate Authority, the petitioner had surrendered 3 tenancies; and at present is in occupation of only the demised premises viz 50% of the ground floor.

16. The main plank of argument of the petitioner is that in view of this subsequent event already enumerated above, the accommodation now available to the respondent was sufficient for her to run her business. The said argument of the petitioner is liable to be outrightly rejected on two main grounds, the first being that it is established position in law reiterated by the Hon'ble Supreme Court in numerous recent judgments that requirement of the landlord is to be seen on the date of filing of petition; especially in cases such as the present one, where there is prolonged litigation. I find support in my view from judgment of the Hon'ble Supreme Court in **Maganlal son of Kishanlal Godha v. Nanasaheb son of Udhaorao Gadewar (SC) : Law Finder Doc ID # 178308**, wherein it is held that: -



“B...Requirement of landlord has to be seen on the date of petition – Subsequent events can be taken into consideration for moulding the relief provided such events had a material impact on those rights and obligations – Further held:-

It is a stark reality that the longer is the life of the litigation the more would be the number of developments sprouting up during the long interregnum - Therefore, the Courts have to take a very pragmatic approach of the matter - It is common experience in our country that especially landlord-tenant litigations prolong for a long time - It is true that neither can the person who has started the litigation sit idle nor can the development of the event be stopped by him. 2004(2) RCR (Rent) 436 (SC) relied.

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16. This Court in **Sait Nagjee Purushotham & Co. Ltd. v. Vimalabai Prabhulal & Ors., 2005(2) RCR (Rent) 436 : [(2005)8 SCC 252]** held that it is always a prerogative of the landlord that if he requires the premises in question for his bonafide use for expansion of business, this is no ground to say that the landlords are already having their business at Chennai and Hyderabad, therefore, it is not genuine need. Further, it is held that it is not the tenant who can dictate the terms to the landlord and advise him what he should do and what he should not. It is always the privilege of the landlord to choose the nature of the business and the place of the business.

17. In the case of **Pratap Rai Tanwani v. Uttam Chand, 2004(2) RCR (Rent) 436 : [(2004)8 SCC 490]**, it was held that the bonafide requirement of the landlord has to be seen on the date of the petition and the subsequent events intervening due to protracted litigation will not be relevant. It was held that the



crucial date is the date of petition; therefore, the normal rule is that the rights and obligations of the parties are to be determined on the date of petition and that subsequent events can be taken into consideration for moulding the reliefs provided such events had a material impact on those rights and obligations. It was further observed that it is a stark reality that the longer is the life of the litigation the more would be the number of developments sprouting up during the long interregnum. Therefore, the Courts have to take a very pragmatic approach of the matter. It is common experience in our country that especially landlord-tenant litigations prolong for a long time. It is true that neither can the person who has started the litigation sit idle nor can the development of the event be stopped by him. Therefore, the crucial event should be taken as on the date when the suit for eviction was filed, unless the subsequent events materially change the ground of relief.

*18. In the case of **Gaya Prasad v. Pradeep Srivastava, 2001(1) RCR (Rent) 221 : [(2001)2 SCC 604]**, this Court held that the landlord should not be penalised for the slowness of the legal system and the crucial date for deciding the facts of the requirement of the landlord is the date of his application for eviction. It is also observed that the process of litigation cannot be made the basis for denying the landlord relief unless the litigation at least reaches the final stages. However, it is further added that subsequent events may, in some situations, be considered to have overshadowed the genuineness of the landlords' needs but only if they are of such nature and dimension as to completely eclipse such need and make it lose the significance altogether."*



17. The above said judgment being subsequent to the judgment of **Hasmat Rai supra** relied on by the petitioner, shall have precedence. The Hon'ble supreme Court in the above said judgement has also held that the landlady cannot be made to suffer for prolonged litigation.

18. The second ground on which argument of the petitioner is liable to be rejected is that it is not for the tenant to dictate terms to the landlord. The landlord – landlady in the present case, is the best judge of his/her own requirement. The law on the said point is no more res integra. Reference the following judgments: (1) **Sarla Ahuja vs United India Insurance Company Ltd. (SC) Law Finder Id 15701**; (2) **Shiv Sarup Gupta Vs Mahesh Chand Gupta, (SC) Law Finder Doc ID 14932**; (3) **Lal Bahadur Vs Daman Chopra and another (Punjab & Haryana) Law Finder Doc Id 2156142**; (4) **Smt. Vijay Luxmi Versus Hukam Chand (P & H) Law Finder Doc ID 2290464**.

19. It has been submitted on behalf of the petitioner that the petitioner ought to have been given the liberty to show that landlord now has sufficient premises to run her business for which petitioner had filed an application dated 21.02.2019 (Annexure P1) under Order 41 Rule 27 read with Section 151 CPC before the Appellate Authority, Chandigarh. It has been contended by the petitioner that the said application has not been dealt with by the learned Appellate Authority. However, even the said argument does not hold water as a perusal of the judgment passed by the Ld. Appellate Authority shows that the application of the petitioner under



Order 41 Rule 27 CPC was duly considered by the learned Appellate Authority; and also finding against the petitioner has been arrived at by the Ld. Appellate Court while relying upon the following reply (Annexure P3) filed by the respondent to the said application for leading additional evidence. Para 3 of which is reproduced hereinbelow:-

“3. That the contents of the para no. 3 of the application are wrong and hence denied. It is admitted that in respect of one single unit which was let out by virtue of four tenancies on account of the fact that there were two owners and two tenants, as such, four tenancies were created, whereas the premises in question in a single building comprising of basement, ground floor and two rooms on the first floor. The premises have been vacated in respect of three tenancies that too in piecemeal and the last property was vacated only on 22.11.2018. The respondent though had strong apprehension that the property is being vacated in piecemeal in order to harass the respondent further as intended use of the premises in question for running office and showroom of event Management Company which cannot be run till the entire premises is vacated by the appellant. It is specifically denied that the respondent has kept the premises vacant for reletting it out at higher market rent. The renovation work is going on full swing in the premises as it is evident from the photographs annexed by the applicant himself. Further some fresh photographs are being attached herewith for the ready reference of this Hon'ble court as ANNEXURE R-1 (COLLY) . The premises cannot be put to use as the ground floor main area facing the main road is in the possession of the appellant.”

(Emphasis added)

20. The said reply has been placed on record by the petitioner as Annexure P-3 and above said extract, is at Page No.63 of the paper book. The



Learned Appellate Court has while dealing with the application held that it is well settled law that the rights and obligation of the parties are adjudicated as they obtained at the commencement of the lis. In this regard, reliance is placed on judgment **Inder Kaur versus Bant Singh 2006(2) LAR (P&H) Law Finder Doc ID # 634683; Malook Singh versus Pirthipal Singh 2008(1) LAR 418 (P&H) Law Finder Doc ID # 634292; Mrs. Gian Kaur versus Mrs. Krishna Anand 2007(1) LAR 20 (P&H) Law Finder Doc ID # 124640.**

21. Thus, in fact the subsequent events which are made the basis of moving of application under Order 41 Rules 27 read with Section 141 CPC are with a motive to delay the proceedings which is already pending for the last 13 years. The premises is a single unit which was let out to two tenants which are sister concerns owned by same owner i.e. petitioner. Secondly the vacation of three tenancies will not make any difference since the premises cannot be used piece meal. The petitioner has further retained possession of the front portion facing the main road. The said plea has been taken in the reply by the respondent landlady but has not been controverted by the petitioner by virtue of any rejoinder to the reply. It is to be appreciated that practically, the decree cannot be executed as the petitioner continues to remain in possession of one part of the demised premises. In real terms, the decree is rendered ineffective because the petitioner is still occupying one portion.



22. The petitioner can derive no benefit from the relied upon judgments as the same albeit of the Hon'ble Supreme Court, have now been replaced by the above-referred judgment of the Hon'ble Supreme Court itself.

23. Before parting, it is also necessary to point out that the petitioner had been granted interim protection by this Court vide order dated 23.01.2020 on the condition that the petitioner shall keep on making the payment of mesne profits before the authority below. The petitioner is in defiance of the said order is not depositing the mesne profits before the authority below but is making fix deposit in his own name which is not the mode of compliance of the order passed by this Court. Thus, the conduct of the petitioner is also not above board.

24. In view of the above discussion, the present petition is **dismissed**.

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

16.07.2025

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No