



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

1. CR-5077-2019 (O&M)
Date of decision: 19.03.2025

SATINDER MOHAN SINGH & ANR

..Petitioners

Versus

SAJJAN KUMAR BANSAL & ANR

..Respondents

2. CR-5146-2019 (O&M)

SATINDER MOHAN SINGH & ANR

..Petitioners

Versus

ASHOK KUMAR & ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Kumar Saini, Advocate
for the petitioners.

Mr. Veneet Sharma, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. With the consent of learned counsel for the parties, two connected revision petitions shall stand disposed of by this common order.

2. The petitioner No.1 is the landlord, whereas, petitioner No.2 is the lease holder (practically owner) of Booth No.5, Sector 42-C, Chandigarh. They are husband and wife. They had filed a petition seeking eviction of the respondents from tenanted premises on two grounds:-

- i. Non-payment of rent without any justifiable cause; and
- ii. Bonafide requirement of their son Sh. Inderpreet Singh.

3. The respondent contested the same. The Rent Controller ordered eviction, which in appeal has been reversed by the Appellate Authority. In



fact, respondent No.1 and 2 filed two separate first appeals, hence, these two revision petitions have been filed.

4. The Rent Controller held that the necessity of the landlord is bona fide as they wish to settle their son, who is unemployed.

5. The Appellate Authority reversed the Rent Controller's judgment on the following grounds:-

i. The landlords have failed to plead that they do not have any other suitable premises nor they are occupying any other building.

ii. The petitioners' son is working as property broker in Ludhiana, where they own various properties.

iii. The petitioners' son is a graduate and is not likely to open shop of general merchandise.

6. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

7. As per Section 13(a)(i) of the East Punjab Urban Rent Restriction Act, 1949 (in short '1949 Act'), the landlord is required to aver that he is neither occupying another building in the urban area concerned nor he has vacated such a building without sufficient cause after the commencement of the '1949 Act'.

8. Para 11 of the rent petition filed by the landlords reads as under:-

"11. That the petitioners do not own any other commercial building within the urban area of Chandigarh nor they have vacated any such building after the commencement of The East Punjab Urban Rent Restriction Act, 1949."



9. Thus, the Appellate Authority was factually incorrect in observing that the landlords have not complied with the requirement of the '1995 Act'.

10. It is the case of the petitioners that their son, who is a graduate wants to open general merchandise shop in Chandigarh. The '1949 Act' envisages that the landlord should not possess any other suitable premise in the urban area concerned i.e. in this case, the urban area concerned is Chandigarh and not Ludhiana.

11. Moreover, the petitioner No.1 as well as his son has appeared in evidence and stated that they wish to open general merchandise shop in Chandigarh. Despite lengthy cross-examination, their credibility could not be impeached by the respondents. Moreover, the petitioners' son is not expected to sit idle during the pendency of the petition, which may take decades to decide. In this case, the petition seeking eviction of the respondents was filed on 26.06.2014. The revision petition is being decided after a period of 11 years.

12. Keeping in view the aforesaid discussion, the judgment passed by the Appellate Authority suffers from perversity, hence, the same is set aside.

13. Consequently, both the petitions are allowed.

14. All the pending miscellaneous applications, if any, are also disposed of.

March 19th, 2025

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*