

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

**CR-5981-2019 (O&M)
Decided on : 08.07.2025**

Munni Devi (since deceased) through her LR

..... Petitioner

Versus

Jagdish Rai

..... Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

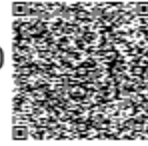
Present : Ms. Sweta Beniwal, Advocate
for Mr. Aman Pal, Advocate
for the petitioner.

Mr. Deepak Thapar, Advocate
for the respondent.

VIKRAM AGGARWAL, J (ORAL)

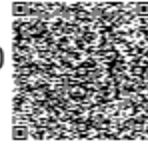
This is landlady's revision petition against the order dated 16.05.2019, passed by the Appellate Authority, Rohtak, dismissing the appeal preferred against the order dated 28.02.2018, passed by the Court of learned Rent Controller, Rohtak, vide which the eviction petition filed by the petitioner-landlady was dismissed.

2. The petitioner-landlady (Smt. Munni Devi) instituted a petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (hereinafter referred to as 'the Rent Act') against the respondent-tenant (Jagdish Rai). The case set up was that the petitioner-landlady was the owner of two shops bearing Nos.1094 and 1095, situated in Jain Cloth Market, Rohtak and the respondent-tenant was in possession of shop No.1094 (hereinafter referred to as



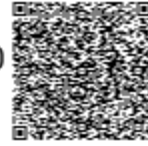
‘the demised premises’) at a monthly rent of Rs.100/- for more than 15 years. Eviction was sought on the ground of non-payment of rent for five years immediately prior to the filing of the eviction petition and the demised premises being required by the petitioner for her own use and occupation as she wanted to settle her grand son Jatin who had completed his education and was unemployed. It was averred that the husband of the petitioner-landlady namely Mahabir Prasad was doing the business of clothes in shop No.1095 which was a small shop and he wanted to expand his business to settle her grand son. For the said purpose, the demised premises was required. It was averred that she had no other commercial premises in the Municipal Area of Rohtak and had also not vacated any such premises without sufficient cause.

3. The eviction petition was opposed by the respondent-tenant. In the written statement, preliminary objections as regards maintainability, cause of action etc. were raised. It was also averred that the petitioner-landlady had concealed material facts and had not disclosed that her husband Mahabir Prasad was occupying numerous other shops, the details of which were given in the preliminary objections. Apart from being the owner of shops, he had also been allotted a plot bearing No.133 measuring 450 square meters by HSIIDC and on the said plot, he had constructed a double storey building wherein embroidery machines had been installed by him and he was carrying on embroidery business by the name of Aggarwal Embroidery. As regards the grand son of the petitioner-landlady namely Jatin, it was averred that he was a student of BBA in Vaish College of Engineering, Rohtak and after his classes, he was looking after the business of embroidery. On merits, the relationship of landlady & tenant was



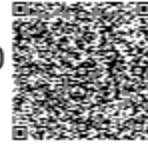
admitted. It was averred that the respondent-tenant was in occupation of the demised premises since 1975. The rate of rent of Rs.100/- per month was also admitted. Other averments were denied.

4. From the pleadings of the parties, the following issues were framed:-
 1. Whether the respondent is liable to be ejected from the demised premises ? OPP
 2. Whether the present petition is not maintainable ? OPR
 3. Relief.
5. Parties led their respective evidence.
6. The Court of learned Rent Controller, Rohtak dismissed the eviction petition filed by the petitioner-landlady and the appeal filed against the said decision was also dismissed, leading to the filing of the present revision petition.
7. I have heard learned counsel for the parties.
8. It was strenuously urged by learned counsel representing the petitioner-landlady that both the Courts erred in dismissing the eviction petition filed by the petitioner. It was submitted that no facts had been concealed. Learned counsel further submitted that it is settled law that a landlord is the best judge of his requirements and it is not for the tenant to dictate terms and conditions to the landlord. It was submitted that the need of the petitioner-landlady is bonafide and it was a natural desire to settle her grandson in the demised premises. As regards the other shops referred to in the written statement, it was submitted that the said shops were not owned by the petitioner-landlady and, therefore, there was no occasion for her to have made a mention about the same in the eviction petition. Learned counsel referred to the oral and



documentary evidence led on the record of the case to drive home his argument. In support of his contentions, learned counsel placed reliance upon the judgment of Supreme Court of India in the case of ***Kailash Chand & Anr. Versus Dharam Dass 2005 (1) RCR (Rent) 551*** (Law Finder Doc Id # 82895); judgments of Coordinate Benches of this Court in the cases of ***Naresh Yadav versus Budh Parkash Tayal 2023 (2) RCR (Rent) 132*** (Law Finder Doc Id # 2161640), ***Rajan Khera and another versus Ramesh Kumar and others 2025 (1) RCR (Rent) 215*** (Law Finder Doc Id # 2670128), ***Sukhbir versus Mangat Rai Kawatra 2022 (2) RCR (Rent) 553*** (Law Finder Doc Id # 2057411), ***Shammi Kapur versus Raghbir Kaur & Anr. 2017 (2) R.C.R.(Rent) 574*** (Law Finder Doc Id # 933634), ***Ram Kanwar versus Rajesh Kumar 2011 (45) R.C.R.(Civil) 46*** (Law Finder Doc Id # 334955), ***Balbir Kaur and others versus Roop Lal and others 2012 (1) R.C.R. (Civil) 279*** (Law Finder Doc Id # 251222), ***Jagdish Rai Behl versus Parvez Kumar and another 2011 (2) R.C.R. (Civil) 5*** (Law Finder Doc Id # 241278), ***Yash Pal Juneja versus Satish Kumar Sandooja 2009 (2) R.C.R. (Civil) 680*** ((Law Finder Doc Id # 183818) and the judgment of the Bombay High Court in the case of ***Abdul Gani versus Dilip Gopaldas Duwani and others 2022 (5) Mh.Lj 514*** (Law Finder Doc Id # 2047565).

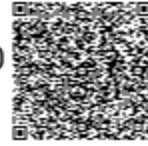
9. Per contra, learned counsel representing the respondent-tenant submitted that there is no illegality in the decisions rendered by the Court of Rent Controller and the Appellate Authority. Reference was made to the eviction petition and the written statement as also the evidence led on the record of the case and it was submitted that the petitioner-landlady had not approached the Court with clean hands and had not divulged the complete details of the properties



owned by the family and the business being run by them. It was also submitted that it had come in evidence that even the husband of the petitioner-landlady had shifted to a different premises and was no longer carrying on his business in shop No.1095. Learned counsel submitted that once this fact had come on record, the ground of requirement of the demised premises for the personal and bonafide need of the petitioner-landlady fell to the ground. It was submitted that both the decisions being in accordance with law, no interference is called for. It was submitted that concurrent findings recorded by the authorities cannot lightly be interfered with in revisional jurisdiction unless and until the findings are found to be perverse. In support of his contentions, learned counsel placed reliance upon the judgments of Supreme Court of India in the cases of *M/s Kaithal Provision Store versus Sanjay Bansal & Anr.* (in S.L.P © No.14031 of 2018, decided on 26.07.2018), *Mahanagar Telephone Nigam Limited versus State of Maharashtra & Ors. 2014 (1) Civil Court Cases III (S.C.) 111*, *Joginder Pal versus Naval Kishore Behal 2002 Haryana Rent Reporter 357* and the judgments of Coordinate Benches of this Court in *Brij Bhushan and another versus Sanjay Harjai and another 2015 (1) HLR 455* and *Manmohan Lal versus Shanti Parkash Jain 2014 (2) HLR 622*.

10. I have considered the submissions made by learned counsel for the parties.

11. The petitioner-landlady had set up a case that her husband Mahabir Prasad was carrying on cloth business in shop No.1095 which was a small shop and Mahabir Prasad wanted to expand his business with a view to settle her grand son Jatin and for the said purpose, the demised premises was required by her. It



was also averred in the eviction petition that the petitioner-landlady did not have any other commercial building in the municipal area of Rohtak nor had she vacated any such building from 1945 till the filing of the petition. In the written statement, the respondent-tenant disclosed 04 more shops which were in possession of Mahabir Prasad apart from a plot where also a double storey building had been constructed. As regards the grand son of the petitioner-landlady, it was stated that he was a student in Vaish College of Engineering, Rohtak and after the classes, he was looking after the business of embroidery in the said building. No replication was filed to the written statement meaning thereby that the contents of the same were admitted.

12. When the petitioner-landlady appeared in the witness box as PW2, she admitted that shop No.1095 was vacant and that her husband was carrying on business behind Partap Talkies, Rohtak. She also admitted that her husband was the owner in possession of several commercial buildings. No doubt, the other commercial buildings were not owned by the petitioner-landlady but it has to be kept in mind that the properties owned by the family where business was being carried on jointly should have been referred to in the eviction petition and it should have been explained as to how, even despite such properties being there, the demised premises was required. She set up a case as regards a shop which was not in possession of her husband. In the considered opinion of this Court, the petitioner-landlady miserably failed to prove her bonafide necessity. In fact, from the evidence, it stood proved that it was a mere wish of the landlady and not any bonafide need. Both Courts, therefore, rightly non-suited the petitioner-landlady. No doubt, it well settled that a landlord is the best judge of his requirements and a



tenant would be no one to dictate terms and conditions to the landlord. However, at the same time, it is well settled that a party must approach the Court with clean hands and disclose all facts. Any concealment of facts would be viewed seriously. Both Courts, therefore, did not commit any illegality in non-suiting the petitioner-tenant. The findings have not been shown to be perverse warranting interference in revisional jurisdiction. The Supreme Court of India, while deciding with a matter where concurrent findings recorded by the Court of Rent Controller and the Appellate Authority had been reversed by the High Court in revision, held that in exercise of revisional jurisdiction, unless a finding is perverse, there can be no interference. Reference was also made to the decision rendered in the case of *Ajit Singh & another versus Jit Ram & another (2008) 9 SCC 699*.

I have gone through the judgments relied upon by learned counsel for the petitioner. All judgments reiterate the well settled position of law that a landlord is the best Judge of his requirements. As discussed, there is no quarrel with the said proposition but in view of the discussion in the preceding paragraphs, the judgments under reference will not come to the aid of the petitioner.

That being so, I do not find any merit in the instant revision petition and the same is accordingly dismissed.

Pending application(s), if any, shall stand disposed of accordingly.

08.07.2025
mamta

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No