



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-7275-2024 (O&M)
Date of decision : 15.05.2025

Ranvir Kumar Aggarwal

..... Petitioner

Versus

Shri Sukbhir Singh Khurana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Chetan Bansal, Advocate
for the petitioner.

Mr. Akhilesh Vyas, Advocate
for the respondent/caveator.

Mr. Sukbhir Singh Khorana, respondent
(through V.C.)

PANKAJ JAIN, J. (ORAL)

1 Tenant is in revision. Both the Courts below have concurrently held the tenant liable to be evicted under Section 13 of East Punjab Urban Rent Restriction Act III of 1949 (for short 'the 1949 Act') from a shop as mentioned in the head note of the petition (herein-after referred to as the demised premises).

2 Counsel for the petitioner has assailed the orders passed by the Courts below. It has been argued that the eviction petition filed by landlord is with an intent to get physical possession thereof in order to re-let the same at a higher rate of rent. He submits that *qua* other tenants in the same premises eviction orders were got passed in the years 2017 and 2019. Those



tenants are still occupying the premises even after 8 years of eviction orders and the landlord has opted not to file execution against them. It has been further contended that the *bonafide* need projected by the landlord is that he needs front, back and first floor of the building, however, he admitted in his cross-examination that no eviction petition has been filed against tenants of the ground floor. Thus the *bonafide* need projected by the landlord stands settled. Lastly counsel for the petitioner accuses respondent-landlord guilty of concealment. It has been eloquently argued that respondent miserably failed to comply with the statutory requirement of disclosing the other properties in his possession in the same urban area. Landlord admitted in his cross examination that another property situated opposite to the demised premises known as *Khorana Centre* belongs to him. Four to five offices on the first floor of the said building are lying vacant, however, landlord failed to plead the same in the eviction petition.

3 It has been further contended that in the said building there was a tenant working under the name and style of Havmor Ice cream parlor. The tenant died during the pendency of the present proceedings. The said property was let out by the landlord to some other tenant. In the said building there was another shop being operated under the name and style of Anandpur Sweets. The same was got vacated and has been now let out to a Popular Chicken Centre. Referring to the cross-examination of the landlord, counsel for the petitioner submits that the landlord having admitted of being in possession of another building in the same urban area is not entitled to



claim *bonafide* need in terms of statutory requirements of Section 13(3) of the 1949 Act.

4 *Per contra* learned counsel for the respondent-landlord submits that the petitioner requires demised shop along with the shops of back side and the shops of first floor for starting general-cum-departmental store. The landlord is already running business of herbal products, dry fruits and raw material for natural cosmetics. He requires the present shop for starting business. It has been contented that there are total 7 shops in the property in question. The landlord intends to remove the intervening walls in the 7 shops and wants to merge them into one big departmental store. Counsel for the respondent-landlord has drawn attention of this Court to the averments made in para 4 (b) of the petition wherein the petitioner specifically pleaded regarding a shop in his possession at Khourana Center. Counsel thus submits that the plea raised with respect to concealment is misplaced. Counsel for the respondent-landlord does not deny the fact of there being eviction orders passed against other tenants occupying shops in the same building and submits that the execution *qua* those orders will be filed after the landlord gets eviction order in the present two petitions as well. He submits that the landlord is not expected to lose rent *qua* those shops, as the projected need would show that the building can be put to use only after all the shops on ground floor as well as first floor come to his possession.

5 I have heard learned counsel for the parties and have gone through the records of the case.



6 It is not in dispute that the landlord initiated eviction proceedings against the tenants *qua* all shops comprising the same building. Admittedly the eviction orders stand passed and the same have become final. Counsel for the respondent-landlord is right to submit that the execution petitions have not been filed as getting vacant possession without being able to put them to use would have incurred recurring loss of rent to the landlord. He would have been caught in a situation where he was losing rent every day and was also incapacitated from putting those shops to his own use. Thus plea raised by counsel for the tenant regarding non-filing of execution *qua* eviction orders passed against other tenants *sans* merit and cannot be accepted.

7 So far as plea raised with respect to premises available in the adjacent building and concealment thereof is concerned, bare perusal of the eviction petition would reveal that the landlord being in possession of part of the said building has been specifically and explicitly pleaded in the eviction petition. The fact of eviction of one or two shops in *Khorana Centre* and subsequent letting thereof is during the pendency of the present eviction petition. The same admittedly could not have been pleaded at the time the eviction petition was filed.

8 Trite it is that landlord is under obligation to comply with the requirements of Section 13(3) (b) and (c) of the 1949 Act. He is required to aver and prove that he is not occupying any other building in the urban area concerned and that he has not vacated any such building without sufficient cause after the commencement of 1949 Act in the said urban area. However,



the landlord can be accused of non-compliance of the aforesaid parameters and of concealment of facts of being in possession of another building if he is in possession thereof on the date of filing of the eviction petition. The subsequent events wherein the landlord came in possession of a building which does not suit his requirement as pleaded in the eviction petition cannot be said to be an act of concealment to non-suit the landlord.

9 In view thereof, this Court finds that the landlord cannot be accused of concealment as claimed by the counsel for the tenant.

10 Both the authorities below have concurrently found tenant liable to be evicted on the ground of *bonafide* need. Scope of revision under Section 15(5) of 1949 Act is much narrow. Reliance can be placed upon following observations made by Constitution Bench in ***Hindustan Petroleum Corporation Ltd., Vs. Dilbahar Singh 2014(9) SCC 78 :-***

“45. We hold, as we must, that none of the above Rent Control Acts entitles the High Court to interfere with the findings of fact recorded by the First Appellate Court/First Appellate Authority because on re-appreciation of the evidence, its view is different from the Court/Authority below. The consideration or examination of the evidence by the High Court in revisional jurisdiction under these Acts is confined to find out that finding of facts recorded by the Court/Authority below is according to law and does not suffer from any error of law. A finding of fact recorded by Court/Authority below, if perverse or has been arrived at without consideration of the material evidence or such finding is based on no evidence or misreading of the evidence or is grossly erroneous that, if allowed to stand, it would result in gross miscarriage of justice, is open to correction because it is not treated as a finding according to law. In that event, the High Court in exercise of its revisional jurisdiction under the above Rent Control Acts shall be entitled to set aside the impugned order as being not legal or proper. The High Court is entitled to satisfy itself the correctness or legality or propriety of any decision or order impugned before it as indicated above. However, to satisfy itself to the regularity,



correctness, legality or propriety of the impugned decision or the order, the High Court shall not exercise its power as an appellate power to re-appreciate or re-assess the evidence for coming to a different finding on facts. Revisional power is not and cannot be equated with the power of reconsideration of all questions of fact as a court of first appeal. Where the High Court is required to be satisfied that the decision is according to law, it may examine whether the order impugned before it suffers from procedural illegality or irregularity.”

11 In view of above, finding no merits in the present revision petition, the same is ordered to be dismissed.

15.05.2025
Pooja Sharma-I

Whether speaking/reasoned:
Whether reportable:

(PANKAJ JAIN)
JUDGE

Yes/No
Yes/No