



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

**Civil Revision No. 546 of 2023 (O&M)
Date of Decision: 28.04.2026**

Om Parkash

..... Petitioner/Tenant

Versus

Charan Kaur

..... Respondent/Landlady

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parvinder Singh, Advocate
for the petitioner-tenant.

Mr. Keshav Pratap Singh, Advocate
for the respondent-landlady.

HARKESH MANUJA, J. (ORAL)

CM-1740-CII-2023

Application for placing on record the copy of order dated 08.01.2020 passed by the learned Rent Controller, Shaheed Bhagat Singh Nagar alongwith Annexures P-1 to P-6 and exemption from filing the certified copies thereof, is **allowed** subject to all just exceptions.

MAIN CASE

By way of present revision petition, challenge has been laid to the orders dated 08.01.2020 & 13.12.2022 passed by the learned Rent Controller & Appellate Authority, Shaheed Bhagat Singh Nagar respectively, whereby an eviction petition preferred at the instance of respondent-landlady *qua* the demised shop as detailed and described in the head note of the plaint, was allowed; while dismissing the appeal of the

petitioner-tenant.

[2] Briefly stating, the respondent being landlady preferred an ejectment petition against the petitioner-tenant regarding the demised shop situated at Mukandpur, Road Badwal Complex, Banga, Tehsil Banga, District Shaheed Bhagat Singh Nagar (as described in the eviction petition). The eviction was prayed for, *inter alia*, on the ground of personal and *bona fide* necessity of the respondent and her family members for parking their car besides arrears of rent as well as the petitioner causing nuisance. Upon appearance, the petitioner disputed and denied the various pleas raised by the respondent-landlord with respect to the eviction sought for *qua* the demised shop. The learned Rent Controller vide order dated 08.01.2020 ordered eviction of petitioner from the demised shop, while observing that the **respondent required premises for her personal use and occupation for parking her car as shop in question was abutting the road** and thus was the most suitable place for the same.

[3] Aggrieved thereof, the petitioner-tenant preferred First Appeal, however, the same was also dismissed vide order dated 13.12.2022 by the learned Appellate Authority, Shaheed Bhagat Singh Nagar. Still aggrieved, the present revision petition has been preferred.

[4] This Court while issuing notice of motion vide order dated 05.02.2024, directed the parties to maintain the status quo as to the possession.

[5] The sole argument raised on behalf of the petitioner is that there has been an apparent concealment on the part of respondent-landlady at the time of filing of the site plan alongwith the eviction petition as the

complete description of the site was not mentioned therein. While referring to the two site plans placed on record as Exhibit A-2 (produced on behalf of the respondent-landlady) and Exhibit D-1 (produced on record by the petitioner-tenant), learned counsel for the petitioner points out that the details of the shop located towards the North of the demised shop were not disclosed or depicted in the site plan produced by the respondent-landlady and as such, the eviction petition was liable to be dismissed on the ground of suppression of facts.

No other argument has been raised on behalf of the petitioner-tenant.

[6] On the other hand, learned counsel for the respondent-landlady submits that there was no concealment on her part as complete description of the demised shop was given in the site plan Exhibit A-2. He contends that the site plan produced on record by the petitioner-tenant as Exhibit D-1 provided the details of the other shops owned by the respondent-landlady, and that the petitioner being in occupation of the demised premises forming part of a larger complex comprising several such shops, had full knowledge of the extent and layout of respondent-landlady's property. Thus, there was no material concealment on her part and present is not a case of suppression of facts, therefore, the orders for eviction were rightly passed by the authorities below and as such, no ground to interfere in the impugned orders is made out.

No other point has been raised on behalf of the respondent-landlady.

[7] I have heard learned counsel for the parties and gone through the paper-book.

[8] At the outset, it may be noticed here that the plea raised by the petitioner-tenant in the written statement about the suppression and concealment of facts was totally vague and incomplete. Para-2 of the preliminary objections in this regard is extracted hereunder:-

“2. That the petitioner has not come to the court with clean hands and guilty of suppressing and concealing the real facts.”

Neither the detailed particulars of material fact which were not in the notice or knowledge of the petitioner-tenant was disclosed in the written statement nor it was mentioned as to how the petitioner got prejudiced with the same.

[8.1] Still, a perusal of the record shows that in the site plan (Exhibit A-2) produced by the respondent-landlady, the complete description of the demised shop alongwith its boundaries has been mentioned. Upon comparison of the same with the site plan (Exhibit D-1) produced on record by the petitioner-tenant, it cannot be recorded that there was any material concealment on the part of respondent-landlady as the petitioner-tenant himself was well aware of the factual position existing at the spot with respect to the shops in the surrounding area being part of the larger complex which admittedly was not the subject matter of the eviction petition. The description and the boundaries *qua* the demised shop as provided and projected in the site plan (Exhibit A-2) were exactly identical to the boundaries described in the site plan (Exhibit D-1). The difference between the site plans Exhibit A-2 & Exhibit D-1 was merely that shops existing

towards North of the demised shop, and beyond the passage were not depicted therein.

[9] In the humble opinion of this Court, the respondent-landlady never sought for eviction of the petitioner-tenant from the demised premises on account of her need for using the shop in question for any commercial purposes. In fact, the eviction petition was filed by the respondent-landlady for using the demised premises as Garage. In such circumstances, the respondent-landlady was not required to provide description of all other shops owned by her in the same compound.

[10] Moreover, non-providing of the details of other shops owned by the respondent-landlady in the descriptive form in her site plan (Exhibit A-2) never took the petitioner-tenant by surprise, as he was occupying the demised shop being part of the same compound where the other shops owned by the landlady were in existence.

[11] Be that as it may, no evidence was brought on record by the petitioner-tenant to show that there was any other suitable place available with the respondent-landlady for using it as Garage besides the demised shop. On the other hand, the respondent-landlady while appearing as PW-1 duly proved her *bona fide* need *qua* the demised shop to be converted into a covered parking space-garage for the personal vehicle-car; rest of the parking area being the open space, which being an act of prudence was rightly treated as per *bona fide* and genuine need.

[12] Furthermore, it is by now settled that the choice of landlord is paramount. It is he who is the best judge to decide the need and it is not for the tenant to dictate terms in this regard or substitute its own opinion.

Reference in this regard can be made even a latest decision by the Hon’ble Apex Court in case of *Anil Kumar (D) & Ors. Versus P.R. Aggarwal @ Paras Ram (D)*, reported as *2025 (2) RCR (Rent) 495*. Relevant para-5 of the said decision is reproduced hereunder:-

“5. In this regard, it is suffice to observe that the landlord is the best Judge to decide how much accommodation is required to satisfy his need and which of the portion of his premises is required. The Courts ought not to interfere in judging the need and suitability of accommodation in case the need is pleaded, subsists, continued and established by the cogent evidence.”

[13] Consequently, the present revision petition, being devoid of merits, is hereby **dismissed**.

[14] Pending miscellaneous application(s), if any, shall also stand disposed off.

April 28, 2026
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No