



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

207)

CR-645-2024 (O&M)

Date of Decision: 04.05.2026

Ramesh Lal

...Petitioner

V/s

Girdhari Lal

`1

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. G.S. Bal, Senior Advocate with
Mr. Avtar Singh, Advocate, for the petitioner.

Mr. A.S. Manaise, Advocate, for the respondent.

VIKRAM AGGARWAL, J (ORAL)

The instant revision petition takes exception to order dated 24.11.2023 passed by the Appellate Authority, Gurdaspur, dismissing the appeal preferred against the order dated 16.12.2019 passed by the Court of Rent Controller, Batala by which the eviction petition preferred by the respondent/landlord was allowed.

2. The respondent/landlord (Girdhari Lal) (hereinafter referred to as "the respondent/landlord") instituted an eviction petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as "the Rent Act") seeking eviction of the petitioner/tenant (Ramesh Lal) (hereinafter referred to as "the petitioner/tenant") from a shop (fully described in the eviction petition), situated opposite Urban Estate, Qadian Road, Batala, District Gurdaspur (hereinafter referred to as "the demised premises").

2.1 The demised premises was stated to have been taken on rent by the petitioner/tenant vide Rent Note dated 24.04.1996 at a monthly rent of Rs.500/-. The rent was enhanced to Rs.750/- per month in 2009. Eviction was sought on the ground of non-payment of rent since September 2014 till the

filing of the eviction petition and the demised premises being required by the respondent/landlord for his own use and occupation and for his son who was unemployed.

2.2 It was averred that the respondent/landlord was working as a contractor of labour and wanted to start an independent business of a grocery (Kiryana) store for himself and his son. It was averred that he had two other shops which were under occupation of different tenants and the demised premises was most suitable for running a Kiryana store.

3. The eviction petition was opposed by the petitioner/tenant. The relationship of landlord and tenant was admitted whereas, the grounds of eviction were denied. Certain preliminary objections as regards *locus standi*, estoppel, cause of action etc. were raised. It was averred that a false and frivolous case had been filed. It was stated that the rate of rent was Rs.500/- per month which had regularly been paid. The enhancement was claimed to be to Rs.700/- per month from 2008 to 2013 but the petitioner/tenant had been paying Rs.750/- per month. In 2014, the rent was stated to have been enhanced to Rs.750/- which was being regularly paid but the receipt was being issued for Rs.700/- per month only.

3.1 As regards the plea of *bona fide* necessity, it was averred that the respondent-landlord was already working somewhere and his son was also working in a private limited company at Batala. It was, therefore, averred that the demised premises was not required by the respondent/landlord. On merits also, a similar stand was taken.

4. Replication was filed, in which the contents of the written statements were denied and those made in the eviction petition were reiterated.

5. From the pleadings of the parties, the following issues were framed:-

“1. Whether the petitioner is entitled to the rent as claimed in the petition?OPP

2. Whether the present petition is not maintainable? OPR

3. Whether the petitioner has not come to the Court with clean hands and suppressed material facts from the Court?OPR

4. Relief.”

6. Parties led their respective evidence.

7. The ground of non-payment of rent became redundant upon deposit of arrears of rent. The Court of Rent Controller allowed the eviction petition on the ground of personal necessity and the appeal preferred against the same was also dismissed by the Appellate Authority, Gurdaspur, leading to the filing of the present revision petition.

7. I have heard learned counsel for the parties.

8. Learned Senior Counsel representing the petitioner/tenant has submitted that both Courts erred in holding that the demised premises was required by the respondent-landlord for opening a Kiryana shop. It has been averred that it had been proved on record that the son of the respondent/landlord was working in Muthoot Finance Company but both Courts disregarded the cogent evidence led in this regard and erroneously and illegally ordered eviction of the petitioner/tenant.

9. *Per contra*, learned counsel for the respondent/landlord has submitted that both Courts examined the matter from the correct perspective and rightly allowed the eviction petition. Learned counsel has referred to the findings recorded by the Courts in this regard.

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

11. The sole contention put forth by learned Senior Counsel representing the petitioner/tenant is that despite it having been proved on record that the son of the respondent/landlord was working with Muthoot Finance, eviction was ordered.

12. The argument, in the considered opinion of this Court, is completely devoid of merit and is accordingly rejected.

13. The eviction petition was instituted by the respondent/landlord on the grounds of non-payment of rent and personal necessity. The ground of non-payment of rent, as stated, became redundant after the same was tendered. The respondent/landlord duly pleaded that he had two other shops, which were also in possession of tenants and that the demised premises was most suitable for running of a Karyana shop. It is well settled that it is for the landlord to decide about his need and as to which shop would be required for running his business and a tenant would be nobody to dictate terms and conditions. The ground taken by the tenant that the son of the respondent/landlord was working in Muthoot Finance fell to the ground because the only evidence led was that his son was seen sitting in the office of Muthoot Finance. Both Courts rightly held that this mere fact would not prove that the son of the respondent/landlord was employed with Muthoot Finance Company. This Court goes a step further. Even if the son of the respondent/landlord was employed, it cannot be said that they could not have a desire to start their own business in their shop. It is not expected that a person would sit idle till he is able to start his own business. Every father would have a desire that his son settles down well in life and for that purpose he wanted to open a Karyana shop. The desire cannot, by any stretch of imagination, be said to be fanciful or unreasonable.

14. On the contrary, it stood proved that the petitioner/tenant was running his own dry cleaning shop apart from the demised premises and just wanted to hold on to the demised premises, which is nothing but the greed of the tenant.

15. Both Courts have recorded concurrent findings which are not found to be suffering from any kind of illegality warranting interference in

revisional jurisdiction. It is well settled that concurrent findings ought to be interfered in revisional jurisdiction only if they are found to be suffering from patent illegality and perversity.

16. That being so, the instant revision petition is found to be devoid of merit and is accordingly dismissed.

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

(VIKRAM AGGARWAL)
JUDGE

May 04, 2026
vcgarg

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