



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

CR-947-2016(O&M)
Date of decision: 22.01.2026

Sanatan Dharam Mandir

... Petitioner

Versus

Satish Kumar and another

... Respondents

2.

CR-7225-2017(O&M)

Sanatan Dhaam Mandir Sabha Narwana

... Petitioner

Versus

Rajiv Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. S.K. Garg Narwana, Senior Advocate, with
Mr. Japjit Singh, Advocate, and
Ms. Nancy Antwal, Advocate,
for the petitioner (in CR-7225-2017).

Mr. J.P. Sharma, Advocate,
for the petitioner (in CR-947-2016).

Mr. Avnish Kumar, Advocate,
for respondents No.1 & 2 (in CR-947-2016).

Mr. Raghav Chhabra, Advocate,
for the respondent (in CR-7225-2017).

VIKRAM AGGARWAL, J. (ORAL)

By way of the instant judgment, this Court proposes to decide the afore-titled revision petitions. Since the issue involved in both revision petitions is the same, they are being decided by way of this common judgment. Facts shall essentially be derived from CR-947-2016, though reference to the facts out of CR-7225-2017 shall duly be given wherever necessary.



2. The petitioner-landlord (Sanatan Dharam Mandir) instituted eviction petitions against its tenants, namely, Satish Kumar and Rajiv Kumar, under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (for short, '**the Rent Act**'), for their eviction from two shops, each of the tenants being in occupation of one shop [fully described in the eviction petition(s)], situated at Railway Road, Narwana (hereinafter referred to as, '**the demised premises**').

3. In Satish Kumar's case, the case set up was that Satish Kumar had taken the demised premises on rent and had initially been running a shop in the name and style of Goyal Radios. The rate of rent was claimed to be Rs.1,700/- per month. It was alleged that he had been in arrears of rent since 01.05.2012 and had sublet the demised premises to one Amit Kumar (respondent No.2 in the eviction petition), who was an Advocate carrying on the practice of taxation. It was further claimed that the demised premises was bonafidely required by the petitioner-landlord for widening the main gate of the Temple. It was pleaded that since Sanatan Dharam Mandir was situated in a very busy market and several functions were being held there, it was necessary to widen the main gate. It was averred that since the demised premises abutted the main gate, eviction was being sought.

4. In Rajiv Kumar's case, the rate of rent was claimed to Rs.1,250/- per month, and he was claimed to be carrying on the business of a general store. He was also claimed to be in arrears of rent since 01.05.2012. The ground of subletting was not raised in that case, but the ground of the demised premises being bonafidely required for widening the main gate was raised.



5. The respondents-tenants admitted the relationship of landlord and tenant but denied all other averments, including the ground of subletting and the requirement of the demised premises for widening the main gate.

6. From the pleadings of the parties, the following issues were framed by the Rent Controller:-

“1. Whether the petitioner is entitled to decree for eviction on the grounds mentioned in the petition? OPP.

2. Whether petition is not maintainable in the present form? OPD.

3. Relief.”

7. Parties led their respective evidence.

8. In Satish Kumar’s case, the grounds of non-payment of rent and subletting were given up and only the ground of the demised premises being bona fide required was pressed. Similarly, in Rajiv Kumar’s case, the ground of arrears of rent was given up and only the ground of bona fide necessity was pressed.

9. The Court of Rent Controller, Jind, dismissed the eviction petitions, as a result of which appeals were filed which too were dismissed by the Appellate Authority, leading to the filing of the instant revision petitions.

10. I have heard learned counsel for the parties.

11. Learned Senior counsel representing the petitioner-landlord has submitted that both Courts have gravely erred in dismissing the eviction petition(s). It has been submitted that both Courts decided the issue on the basis of conjectures and surmises. It has further been argued that the



landlord is the best judge of his requirements and that it is for the landlord to decide in what manner the property is to be used.

11.1 While referring to the site plan, learned Senior counsel has asserted that the main gate of the Temple is only 6 feet wide and needs to be widened, as over the years, the area where the Temple is situated has become congested. It has further been submitted that the number of devotees, who visit the Temple, has increased manifold and that many big functions are held there. When such functions are held, it becomes difficult to enter or exit the premises, and even vehicles of catering etc. are not able to enter.

11.2 Arguing further, learned Senior counsel has submitted that both Courts erroneously came to the conclusion that there was no valid resolution to file the eviction petition(s).

11.3 Learned Senior counsel has submitted that, in fact, in Rajiv Kumar's case, the Appellate Authority relied upon photographs, whereas no photographs were produced on record. Learned Senior counsel has further submitted that it has erroneously been observed by both Courts that width of the main gate was 11 feet 6 inches, whereas it is actually 6 feet and the remaining space is occupied by pillars. It has been submitted that both Courts wrongly came to the conclusion that the pillars cannot be removed.

11.4 Learned Senior counsel has also submitted that the demised premises are indeed required for the bona fide requirement of the petitioner-landlord and that the petitioner-landlord undertakes that after eviction, the demised premises shall not be let out to anyone.



12. Per contra, learned counsel for the respondent(s) has submitted that there is no illegality in the findings recorded by both Courts and that the revision petitions are devoid of merit and deserve to be dismissed. It has been submitted that the stand taken by the respondents duly proved that the need of the landlord is not bona fide and that it has rightly been recorded by both Courts that the width of the main gate is sufficient for the requirement of the petitioner-landlord. It has further been submitted that even otherwise, there is no scope of widening the same without demolishing other structures.

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

14. It is well settled that a landlord is the best judge of his requirements and that a tenant has no right to dictate terms and conditions to the landlord. In the case of **Ragavendra Kumar Vs. Firm Prem Machinery, AIR 2000 (SC) 534, Law Finder Doc ID #7593**, the Supreme Court of India reiterated the position of law that the landlord is the best judge of his requirements for residential or business purposes and has got complete freedom in the matter. In **Atma S. Berar Vs. Mukhtiar Singh, 2003 AIR (SC) 624, Law Finder Doc ID #2083** also, the Supreme Court of India noted that one of the grounds for eviction contemplated by all the Rent Control legislations, which otherwise generally lean heavily in favour of tenants, is the need of the owner-landlord to have his own premises, residential or non-residential, for his own use and occupation. It was observed that the expressions employed by different legislations may vary such as 'bona fide requirement', 'genuine need', 'requires reasonably and in good faith'. It was observed that whatever be the expression employed, the



underlying legislative intent is one and that has been demonstrated in several judicial pronouncements. Reference was then made to the judgment of a three Judges Bench of the Supreme Court of India in the case of **Ram Dass Vs. Ishwar Chander & Ors 1988 AIR (SC) 1422 Law Finder Doc ID #54713**, wherein it was held that the need of the landlord should be genuine and honest, and it was also held that apart from the need being genuine and honest, it must have been conceived in good faith; and that further, the court must also consider it reasonable to gratify that need. Reference can also be made to the judgment of the Supreme Court in the case of **Sarla Ahuja Vs. United India Insurance Company Limited, 1998(8) SCC 119**, wherein this principle was reiterated. In the case of **Anil Kumar (d) and others Vs. P.R Aggarwal @ Paras Ram (d) Law Finder Doc ID #2594853**, the Supreme Court of India, while reiterating the aforesaid principle, held that Courts should not interfere in determining the suitability of the accommodation unless the need is disproved by cogent evidence.

15. Coming to the facts of the case, there are concurrent findings against the landlord. The landlord has now invoked the revisional jurisdiction of this Court. Concurrent findings are not normally interfered with unless the same are found to be perverse. It is also settled law that there should be no re-appreciation of evidence once there are concurrent findings.

16. Keeping the aforesaid principles in mind, this Court, after examining the entire matter from all angles, is of the firm opinion that the findings recorded by both Courts are not sustainable as they are based upon misapplication of the settled law and misreading of the evidence led on record.



17. Coming first to the resolution, there is a specific resolution in favour of one Jawahar Lal, who was the President of the Society and through whom the petitions were filed. The resolution clearly states that since the tenants had not agreed to vacate the shops, Sh. Jawahar Lal was being authorized to take further action. This would include the power to institute an eviction petition also. The finding that in the resolution, there being no mention of a decision regarding the gate being widened would be fatal to the case of the petitioner-landlord, is also defective and unsustainable. It has to be borne in mind that such technicalities should not come in the way of a landlord seeking eviction of a tenant for bona fide necessity. Once a resolution was on record, the Courts were not required to go into minute details.

18. Coming to the merits of the case, it would be for the petitioner-landlord to decide as to how the main gate is to be widened. It has to be borne in mind that, with the passage of time, market places have become congested and the accommodation available to a particular person or organization has become inadequate. It is also a matter of common knowledge that over the years, the number of devotees must have increased. Devotees attending functions must have increased manifold, the number of vehicles has increased, and options of catering have expanded. Modern machinery and equipment have been introduced in catering and tenting business. For all these reasons, additional space would inevitably be required.

19. The petitioner-landlord was not required to submit any project report or plan to show as to how the main gate would be widened. During



the course of arguments, learned Senior counsel undertook that the shops in question would not be let out to anyone after they are vacated, if that addressed the apprehension of the tenants.

20. The finding that it would not be possible to widen the gate without demolishing a three-storey building or other portions is again based on conjectures. It is well known that in these times, even basements are being constructed in existing buildings, underpasses have been made beneath existing roads and structures and metro systems have been developed underneath existing roads and buildings. In these times of cutting edge technology, to say that a gate cannot be widened without demolishing other structures, and that too without any report to this effect, is a finding that is not sustainable.

21. In the considered opinion of this Court, the need of the petitioner-landlord is bona fide, and the same was duly proved.

22. In view of the above, the instant revision petitions are allowed. Consequently, the impugned orders dated 04.11.2015 and 01.02.2017, passed by the Appellate Authority, are set aside. The evictions petitions are allowed, and the respondents-tenants are granted two months to handover vacant possession of the demised premises to the petitioner-landlord.

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

24. A photocopy of this order be placed on the file of the connected case.

(VIKRAM AGGARWAL)
JUDGE

January 22, 2026

Rajan

Whether speaking / reasoned:

Yes/No

Whether Reportable:

Yes/No