



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**  
**243**

**CR-9057-2017(O&M)**  
**Date of decision: 24.02.2026**

**Jagmohan**

**...Petitioner(s)**

**Vs.**

**M/s Laxmi Narayan Naresh Kumar**

**...Respondent(s)**

**\*\*\***

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

**Present:** Mr. Ashish Aggarwal, Advocate  
Mr. Bhavesh Aggarwal, Advocate  
for the petitioner.

Mr. Divanshu Jain, Advocate  
Mr. Arjun Sangwan, Advocate  
Mr. Minkal Rawal, Advocate  
Mr. Abhinav Goel, Advocate  
Ms. Rashima Sharma, Advocate  
for the respondent.

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**NIDHI GUPTA, J.**

Present Revision Petition has been filed by the tenant against the judgment of reversal passed by the Id. Appellate Authority whereby Rent Appeal filed by the respondent/landlord against dismissal of his Rent Petition by the learned Rent Controller, Amritsar has been accepted by the Appellate Authority vide impugned order dated 03.11.2017.

2. Brief facts of the case are that the respondent/landlord had filed a petition under Section 13 of the East Punjab Urban Rent Restriction



Act Number III of 1949 (hereinafter referred to as 'the Act'), before the Id. Rent Controller Amritsar seeking ejectment of the petitioner from the demised shop on the grounds of non payment of rent and bonafide need of the shop in question. It was averred that Shri Laxmi Narain partner of the respondent-firm, has two sons namely Janak Raj and Naresh Kumar. Naresh Kumar also has two sons namely Amit and Ashish, who have graduated and completed their studies and who are not doing any work/business at present and hence they want to start their own business in the demised shop; and as such, their need is urgent and bonafide requirement of the demised premises for their use and occupation.

3. Upon notice, the petitioner had appeared and filed written statement stating therein that the respondent had failed to disclose in the Rent Application that besides the demised premises he has four other shops which are lying vacant. It was alleged that the respondent had concealed the said fact in his Rent Petition deliberately. Accordingly, dismissal of the Rent Petition was prayed for.

4. In replication, the averments made in the written statement were denied and those made in the Rent Application are reiterated.

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

*"1. Whether the respondent is in arrears of rent with effect from January, 2007 onwards till date? OPA*



2. *Whether the respondent has not paid the house tax for the period w.e.f. 1.8.1999 onwards? OPA*
3. *Whether the demised shop is required by the applicant bonafidely? OPA*
4. *Whether present application is not maintainable? OPR*
5. *Relief."*
6. Vide order dated 04.08.2016, the Id. Rent Controller, Amritsar had dismissed the Rent Application of the respondent holding that: -

*"27. In the present case applicant has not pleaded with regard to his entire properties owned and possessed by his firm. It has duly come on record that applicant has been owner of many other properties regarding which there is no averment in the rent petition. Such being position, prejudice has been caused to respondent to rebut the case of the petitioner and for the same, petitioner cannot take any advantage. Accordingly, in these circumstances it cannot be said that need of the applicant is bonafide. Accordingly, this issue is decided against the applicant.*

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*29. In view of my findings on aforesaid issues, especially my findings on issue number 2, the present petition stands allowed with costs on the ground of nonpayment of house tax by respondent. However, the respondent is given two months time to the pay house tax. If the respondent pays this amount, within two months from today, then there will be no eviction order on ground of non-payment of house tax, failing which the applicant has right to get this order executed by following*



*due procedure of law. Memo of costs be prepared and file complete in all respect be consigned to the Record Room."*

7. However, the Rent Appeal filed by the respondent was accepted by the learned Appellate Authority vide impugned order dated 03.11.2017 thereby reversing the judgment of the Rent Controller. Hence, present Revision Petition by the tenant.

8. Learned counsel for the petitioner assails the impugned order by submitting that as per Section 13(3)(A) of the Act it is specifically provided that ejectment can be ordered if applicant himself, as well as the person for who's bonafide requirement the property is sought to be evicted, does not own or possess or has not vacated any other property in the urban area. This fact is required to be pleaded as well as proved by the applicant. However, in the present case, respondent is totally silent in his petition with regard to this aspect as to whether the respondent has been owner or in possession of any other property in the urban area of Amritsar. Rather, the respondent has failed to disclose that he is owner of other properties in the urban area of Amritsar. Hence the respondent has failed to plead and prove the basic ingredients of Section 13(3)(a) of the Act.

9. Ld. Counsel reiterates that in the present case respondent has not pleaded with regard to his entire properties owned and possessed by his firm. It has duly come on record that respondent has been owner of many other properties regarding which there is no averment in the rent



petition. Hence great prejudice has been caused to the petitioner to rebut the case of the respondent and for the same, it can not be said that need of the respondent is bonafide.

10. Learned counsel for the petitioner further submits that the Id. Appellate Authority failed to appreciate that onus to prove the issue of bonafide need was upon the respondent. It is the case of the respondent that the demised shop is required by the respondent Sri Laxmi Narain being one of the partners of the firm for use and occupation of his grand sons namely Amit and Ashish. It is alleged that the grand sons of Laxmi Narain do not own or possess any such property of their own in the urban area of Amritsar and they have not vacated any property without sufficient cause. On the other hand, petitioner in his reply has categorically stated that respondent is already having five shops in his possession, out of which four shops are lying vacant and hence his need is not bonafide. The respondent has examined Amit as AW-1, Surinder Popli as AW-2, Janak Raj as AW-5. AW-1 Amit son of Naresh Kumar in his cross-examination has stated that property, where shop in question is situated, bears number 10-A, Chowk Shakti Nagar, Amritsar. The shop in possession of petitioner as tenant bears number 4, whereas shop number 1 is in possession of Dogra Hairdresser and shop number 2 and 3 are also in possession of Dogra Hairdresser. He stated that shop No.4 is in possession of petitioner. He further stated that there is one garage in their possession. He has also admitted that this



garage is having two shutters in front of it and from outside it appears that these are two shops as there are two separate shutters affixed with garage. He has also admitted as correct that earlier there used to be Balaji Computer and he has seen photographs Exhibit R1 to Exhibit R6 which are of their building and are as per spot. Even he has admitted as correct that there is change of sign board from Exhibit R1 and R2 to R3 and R5 during pendency of the present petition. Further, he has stated that respondent firm deals in business of spices in Majith Mandi, Amritsar and said property is owned by the firm. He has also stated that he does not know number of properties owned and possessed by respondent firm and he has completed his graduation in the year 2001 in DAV College, Amritsar. He has also stated that at present there is no shop of Balaji Computer.

11. Learned counsel refers in detail to the evidence led by the Applicant Witnesses to submit that it has also been admitted by AW1 Amit that besides the demised premises, the respondent/landlord is owner of four other shops. It is submitted that Janak Raj himself while appearing as AW4 has admitted in his cross-examination that the applicant-firm is in Kiryana business in the property situated in Majith Mandi, Amritsar. It is submitted that in this admitted position, it becomes clear that the respondent had concealed material facts in the Rent Application. Thus, Rent Application could not have been allowed.



12. Moreover, AW-1 Amit has admitted that he has done his graduation in the year 2001. He has also stated that out of 4 shops, 2 shops were given on rent in the year 2007 and 2008 respectively. It is contended that if the shop had been actually required by grand sons of Laxmi Narain, one of whom has already completed graduation in the year 2001, then why the respondent-firm opted to let out shops number 2 and 3 in the year 2007 and 2008 respectively. Clearly, therefore, respondent failed to establish his bona fide requirement. Thus, the Appellate Authority was in manifest error in accepting the Rent Appeal of the respondent-applicant.

13. It is accordingly prayed that the impugned order be set aside and the Eviction Petition be dismissed.

14. Per contra, learned counsel for the respondent-landlord vehemently opposes the submissions made on behalf of the petitioner and submits that in the written statement, the stand of the petitioner was that the respondent is owner of five shops, of which four shops are vacant and in possession of the respondent. However, in his cross-examination, the petitioner himself has admitted that the respondent was owner of four shops of which three are in possession of Dogra Salon and the fourth shop is comprised of the demised premises. Petitioner has further admitted that the fifth property is being used as a garage/godown. Learned counsel further draws the attention of this Court to the cross-examination of RW3 Ram Lal examined by the petitioner before the learned Rent Controller



who has also admitted the above-said facts in his cross-examination. RW3 has also stated that the alleged fifth shop is being used by the applicant for their garage. It is submitted that, therefore, in fact, the petitioner-side has admitted the case of the respondent; inasmuch as the petitioner has admitted that the respondent is not in possession of any of the shops of which it is owner.

15. Learned counsel submits that as per the provision of Section 13(3)(a) of the Act, it is only to be seen whether the Applicant is in 'possession' of the other shops of which he is alleged to be owner; and 'ownership' of any other shops is irrelevant. It is pointed out that in the present case the petitioner has admitted in his cross-examination that the respondent is not in possession of any of the four shops stated to be owned by the respondent. It is contended that therefore, the bona fide requirement of the respondent was clearly established on record.

16. In this regard, learned counsel for the respondent relies upon judgments of this Court in **CR-3472-2016** titled as **"M/s Narula Motor Stores & Ors. Vs. Bhupinder Singh & Anr."** Decided on 08.01.2025; **Naresh Yadav v. Budh Parkash Tayal, (Punjab And Haryana) : Law Finder Doc ID # 2161640**; and **Sham Lal v. Asha Rani, (Punjab And Haryana) : Law Finder Doc ID # 1280813**.

17. It is further clarified that the sixth property if any as stated to be in Majith Mandi, is in the joint ownership of the partnership-firm and is



jointly owned by all the partners and their family members. This has been specifically so stated by AW1 Amit during his cross-examination (at page 149 of the LCR) that the property in Majith Mandi, Amritsar is owned by the firm “.....*but I have not seen any document of title of the said property in favour of the applicant firm till today.*”. It is further submitted that in any event, the landlord is the best judge of his requirements, and it is not for the tenant to dictate terms to the landlord. It is accordingly prayed that the present petition be dismissed.

18. Learned counsel for the petitioner rebuts the submissions made on behalf of the respondent and submits that the present Rent Application was filed by the respondent-firm in the name and style of M/s Laxmi Narayan Naresh Kumar, Majith Mandi, Amritsar through its partners S/Shri Janak Raj and Shri Laxmi Narayan, in its capacity as a firm. It is submitted that partner of the firm Janak Raj has admitted in his cross-examination that another property situated in Majith Mandi is being used by the firm for doing Kiryana business. It is contended that therefore, the respondent is owner in possession of another property besides the demised premises; which fact has not been disclosed by the respondent in their Rent Application. As such, the respondent has concealed material information. Moreover, this admission also establishes that respondent has no bona fide requirement of the demised shop. In support, Id. counsel relies upon judgment of this Court in **CR-3077-2018** titled as “**Baldev Raj**



**Vs. Muni Lal” decided on 15.03.2023.** It is accordingly reiterated that the present revision petition be allowed, and the impugned order be set aside.

19. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions advanced on behalf of the petitioner.

20. The respondent/rent-applicant/landlord had filed the Rent Petition seeking eviction of the petitioner from the demised shop situated *“on the ground floor, bearing private number 4 built on plot bearing number 10-A, situated in Kucha Patrangan, Qilla Bhangian, Shakti Nagar, Amritsar”*, which had been let out to the petitioner vide Rent Note dated 24.08.1999 at the rate of Rs.950/- per month. The respondent had sought eviction of the petitioner on the grounds that: a) petitioner had failed to pay house tax to the applicant since the commencement of the tenancy; b) petitioner was in arrears of rent; and c) *“That the demised shop is bonafide required by the applicant i.e. by Shri Laxmi Narayan one of the partners of the applicant firm for the use and occupation of his grand sons for business purpose. Shri Laxmi Narayan has two sons namely Shri Janak Raj and Naresh Kumar. Naresh Kumar s/o Shri Laxmi Narayan has also two sons namely Amit and Ashish. Both the sons of Shri Naresh Kumar are graduate and they have completed their studies and they are not doing any work/business at present. Both Shri Amit and Ashish want to start their own business in the demised shop and as such, their need is urgent and*



*bonafide for their own use and occupation for doing the business in it. The said sons of Shri Naresh Kumar s/o Shri Laxmi Narayan do not own or possess any such property of their own in the urban area of Amritsar nor they have vacated any such property without any sufficient cause after the commencement of Act No.III of 1949 in the said urban area of Amritsar. As such, the respondent is liable to ejectment on this ground also.”*

21. In the written statement, the petitioner had resisted the Eviction Application by taking the plea that (at Page 102 LCR):-

*“Infact, neither the applicant nor any of his family members require the demised premises bonafide. The applicant is already having five shops in his possession out of which four shops are lying vacant. This fact has not been disclosed by the applicant intentionally and malafide. The ground taken is quite false, frivolous and without any basis. The need of the applicant is neither genuine nor bonafide rather the same is malafide.” (Emphasis added)*

22. Thus, the specific and only plea raised by the petitioner in the written statement was that the respondent was having five shops in his possession out of which four shops are lying vacant; and which fact had not been disclosed by the respondent in his petition. Thus, the first ground on which the petitioner had sought dismissal of the Rent Application was that the respondent was having five shops in his possession out of which four shops are lying vacant.



23. However, the above said contention of the petitioner was denied by the respondent in replication. Besides that, the partner of the respondent-firm Janak Raj while appearing as AW4 has controverted the above contention of the petitioner and stated that: (at page 189 of the LCR):

*"..... In the four shops, shop no 1 was given to Ajay Kumar - -- Kumar for the business of hair dresser, shop no 2 was given to Desraj who is the father of Ajay Kumar and Vijay Kumar in the year 1999, whereas shop no 1 was given on rent to Ajay Kumar and Vijay Kumar in 2007. Shop no 3 was given to Ajay Kumar and Vijay Kumar in the year 2008. Outside all the above said shops, there is signboard of M/s Dogra Saloon. It is incorrect to suggest that one shop was let out to M/s Balaji Computers doing the business of Vodafone Mobile Services. The fourth shop is let out to respondent. ...."*

24. It is imperative to note that in direct contravention of his abovesaid plea/averment in the written statement, the petitioner, in his cross-examination as RW4 has admitted the above statement/deposition of the respondent as follows (at page 247 and 249 of the LCR): -

*"..... It is wrong to suggest that both the sons have completed their studies. Elder son has completed his studies whether younger son is studying but I do not know from where he is getting education. There are total 4 shops in property bearing no. 10 A. It is correct that three shops are at present in possession of Dogra Salon and fourth shop is in my possession Des Raj and his sons and Ajay and Vijay are running Dogra Salon. It is wrong to suggest that the applicants are using the*



*adjacent property as their garage voluntarily they are using it as godown. .... I have not seen any document of title with respect to any other property in the name of Amit and Ashish. I do not know that Amit and Ashish are having any property owned by them or not. I have not seen any document of title with respect to property of Laxmi Narayan or Naresh Kumar or Janak Raj. ...". (Emphasis is mine)*

25. Therefore, in his cross-examination, the petitioner himself has admitted that of the four shops owned by the respondent, three are in possession of Dogra Salon; and fourth shop is in possession of the petitioner; whereas the fifth property is being used as a garage/godown. Thus, admittedly, on the date of filing of Eviction Petition, the respondent was not in possession of any of the 5 properties stated to be owned by him.

26. This fact has been affirmed by another witness examined by the petitioner namely RW3 Ram Lal who has stated in his cross-examination that (page 229 and 231 of the LCR) :-

*"..... It is correct that Dogra Hair Dresser is in possession of three shops as tenant of applicant, earlier he was in possession of one shop and thereafter second and third shops were let out to Dogra hairdresser by the applicant. It is incorrect to suggest that earlier Dogra hairdresser was doing the business of Vodafone company under the name and style of Bala Ji Computers. I have not seen any documents between Bala ji Computers and applicant. .... It is correct that the property adjacent to the shop is being used by applicant for*



*their garage. It is incorrect to suggest that the said property is being used as Garage for many years again said the said property was being used as Garage by applicant since when they purchased. The adjacent property has come to the applicant for the last 4-5 years. I have not seen those title deeds. It is incorrect to suggest that there are no shops adjacent to the shop in question. I have not seen the documents of title of the property in gali Gwardan Das and I also do not know the number of that property. ....”*

**(Emphasis is mine)**

27. Thus, it is clear from the above evidence that it has been deposed by the petitioner himself, that out of the four shops owned by the respondent, three were in occupation of Dogra Salon; whereas the fourth shop was in occupation of the petitioner; and the fifth property was being used as garage/godown. From the evidence of the petitioner himself, it is established on record that on the date of filing the Rent Application, the respondent was not in occupation of any of the shops owned by him. The sole defence raised by the petitioner with respect to bona fide requirement that the respondent was allegedly in possession of five shops, out of which four were lying vacant, and therefore the need was not bona fide stood completely demolished during the course of evidence. The plea of four vacant shops is contrary to the record and stands falsified by the petitioner's own admissions.



28. Furthermore, the very premise on which the petitioner has based his case is that the respondent has failed to disclose that he is owner of other properties in the urban area of Amritsar. However, Contention of the petitioner that the respondent had concealed material facts in his Rent Application in failing to disclose ownership/possession of other shops is otiose to the requirement of Law; and is based on a patent misreading of Section 13(3)(a) of the Act, which is as follows: -

*“13. (3) A landlord may apply to the Controller for an order directing the tenant to put the landlord in possession -*

*(a) in the case of a residential building, if, -*

*(i) he requires it for his own occupation, is not occupying another residential building in the urban area concerned and has not vacated such building without sufficient cause after the commencement of the 1949 Act in the said urban area;*

*[(ii) he requires it for use as an office or consulting room by his son who intends to start practice as a lawyer, qualified architect or chartered accountant or as a "registered practitioner" within the meaning of that expression used in the Punjab Medical Registration Act, 1916, the Punjab Ayurvedic and Unani Practitioners Act, 1963, or the Punjab Homeopathic Practitioners Act, 1965, or for the residence of his son who is married :*

*[Substituted by Haryana Act 16 of 1978.]*

*Provided that such son is not occupying in the urban area concerned any other building for use as office, consulting room or residence, as the case may be, and has not vacated it*



*without sufficient cause after the commencement of the 1949 Act.]*

*(iii) it was let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and the tenant has ceased, whether before or after the commencement of this Act, to be in such service or employment :*

*Provided that where the tenant is a workman who has been discharged or dismissed by the landlord from his service or employment in contravention of the provisions of the Industrial Disputes Act, 1947, he shall not be liable to be evicted until the competent authority under that Act confirms the order of discharge or dismissal made against him by the landlord;*

*(iv) the tenant has already in his own possession a residential building or subsequently acquires possession of, or erects, such a building reasonably sufficient for his requirement in the urban area concerned;*

*(v) he is a member of the armed forces of the Union of India and requires it for the occupation of his family and produces a certificate, from the prescribed authority referred to in section 7 of the Indian Soldiers (Litigation) Act, 1925, that he is serving under special conditions within the meaning of section 3 of that Act."*

29. From a reading of the above provision, it is clear that all that is mandated is that the landlord be not in 'occupation' of another premise in the urban area concerned. It is not stipulated anywhere that the landlord cannot be 'owner' of or in 'possession' of another property in the



same urban area. All that the provision envisages is that at the time of filing the eviction petition, the landlord should not be in occupation of another property in the same urban area. This position in Law has been clarified ad infinitum in numerous judgments rendered by this Court as well as the Hon'ble Supreme Court. First, reference is made to judgment relied upon by learned counsel for the respondent in case of **M/s Narula Motor (supra)**, wherein this Court has held that: -

*"11. There cannot be any dispute regarding settled proposition of law. Section 13(3) statutorily obligates landlord to plead and prove occupation/vacation of any other premises within the concerned urban area. Section 13(3) reads as under:-*

*"13. (3) A landlord may apply to the Controller for an order directing the tenant to put the landlord in possession -*

*(a) in the case of a residential building, if, -*

*(i) he requires it for his own occupation, is not occupying another residential building in the urban area concerned and has not vacated such building without sufficient cause after the commencement of the 1949 Act in the said urban area;*

*[(ii) he requires it for use as an office or consulting room by his son who intends to start practice as a lawyer, qualified architect or chartered accountant or as a "registered practitioner" within the meaning of that expression used in the Punjab Medical Registration Act, 1916, the Punjab Ayurvedic and Unani Practitioners Act, 1963, or the Punjab Homeopathic Practitioners Act, 1965, or for the residence of his son who is married :*

*[Substituted by Haryana Act 16 of 1978.]*



*Provided that such son is not occupying in the urban area concerned any other building for use as office, consulting room or residence, as the case may be, and has not vacated it without sufficient cause after the commencement of the 1949 Act.]*

*(iii) it was let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and the tenant has ceased, whether before or after the commencement of this Act, to be in such service or employment :*

*Provided that where the tenant is a workman who has been discharged or dismissed by the landlord from his service or employment in contravention of the provisions of the Industrial Disputes Act, 1947, he shall not be liable to be evicted until the competent authority under that Act confirms the order of discharge or dismissal made against him by the landlord;*

*(iv) the tenant has already in his own possession a residential building or subsequently acquires possession of, or erects, such a building reasonably sufficient for his requirement in the urban area concerned;*

*(v) he is a member of the armed forces of the Union of India and requires it for the occupation of his family and produces a certificate, from the prescribed authority referred to in section 7 of the Indian Soldiers (Litigation) Act, 1925, that he is serving under special conditions within the meaning of section 3 of that Act."*

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*14. The plea satisfies the ingredients as contemplated under Section 13(3). However, issue is concealment. The precise issue that arises for consideration of this Court is:*

*"Whether on the date of filing of the eviction petition, the landlord was in occupation of the shop related to Multani fruits on the basis of which Rent Controller non-suited the landlord?"*



In case landlord was in occupation of the said shop, eviction petition deserves dismissal.

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19. A perusal of the aforesaid orders reveals that the Rent Controller dismissed the application holding that the shop in possession of the landlord relatable to Multani Fruits as claimed by the tenant will have no bearing on the facts of the present case, as the same came in possession of the landlord recently. The aforesaid order passed by the Rent Controller remained unchallenged. There is no evidence on record to prove that the landlord was in possession of the shop vacated by Multani Fruits, situated at Sabji Mandi on the day the eviction petition was filed.

20. In view of above, this Court finds no ground to hold landlord guilty of concealment. Finding recorded by Rent Controller are without any basis.” (Emphasis is mine)

30. Reference may also be made to judgment of this Court in **Arjun Dass v. Birinder Kaur (P&H) : Law Finder Doc ID # 423925** wherein it is held that: -

“12. The second argument that has been raised by learned Counsel for the petitioner(tenant) that the landlords have not disclosed regarding the ownership of other properties in their ejectment petition (Annexure P-3) and thus there is non compliance of Section 13(3)(a)(i) of the Act and hence on this ground alone, the petition itself is not maintainable is also devoid of merit and misconceived. A perusal of Section 13(3)(a)(i) of the Act would show that it is not the requirement



under law that a landlord must declare as to what are the properties which are under his or her ownership. The words that have been used by the legislature, in its wisdom, are "use and occupation". Thus the only requirement under law for a landlord to disclose in its petition for ejectment is that he is not in use and occupation of any other premises and if it is so, he is duty bound under law to mention the properties so as to entitle himself for relief for ejectment of tenants."

(Emphasis added)

31. In **Mohinder Kaur v. Amarpreet Singh (P&H) : Law Finder Doc ID # 1210076**; this Court reiterated that: -

"C. East Punjab Urban Rent Restriction Act, 1949, Section 13(3)(a)(i) - Bonafide need - Ownership of other property - As per requirement of Act of 1949, ownership of other properties is not material for examining bonafide requirement - What is required is that landlord is not occupying another building or has not vacated such building without sufficient cause after commencement of Act in said urban area."

32. Reliance is also placed upon judgment in **Yoginder Kumar Garg v. Banarsi Lal, (Punjab And Haryana) : Law Finder Doc ID # 2437677** wherein it is held that:-

"A. Haryana Urban (Control of Rent and Eviction) Act, 1973, Section 13(3)(a) - Reversal of order of eviction - Plea of landlord regarding non payment of arrears of rent - Legislature in its wisdom used the word "occupying" while casting obligation upon landlord at the time of filing of



*eviction petition to plead that "he is not occupying any other residential building in the urban area" - Term "occupation" cannot be equated with term "ownership" thus, in case where landlord owns any other residential or commercial property as case may be, in same urban area but is not occupying same, he may, not be under any legal obligation to plead and provide details of those other properties and therefore its non-disclosure cannot be taken as concealment on his part - Held, statement of respondent-tenant established that at the time of filing of eviction petition, petitioner-landlord was not in occupation of shop/showroom situated at Safidon Gate, Jind - Respondent-tenant admitted in his cross-examination that shop situated at Safidon Gate, Jind was under tenancy before filing of eviction petition - Moreover, in his written statement as well as in his affidavit of evidence as respondent-tenant merely mentions about other shop being owned by petitioner-tenant, he himself nowhere mentions about occupation.*

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*3. The eviction petition was opposed at the instance of respondent-tenant while submitting that that the petitioner-landlord owns a double storey residential-cum-commercial building at Safidon Gate, Jind, wherein one showroom on the ground floor which was around five times the size of demised shop was rented out for the purpose of running furniture showroom and this fact was concealed in the eviction petition, thereby rendering the petitioner-landlord to be disentitled for eviction on account of his bona fide need because non-compliance of the provision of Section 13(3)(a) of the Haryana*



*Urban (Control of Rent and Eviction) Act, 1973 (hereinafter referred to as 1973 Act).*

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8. *Before start of discussion, Section 13(3)(a) of 1973 Act which is relevant for the purpose of adjudication of present revision petition is reproduced hereunder:-*

*“13(3) A landlord may apply to the Controller for an order directing the tenant to put the landlord in possession -  
(a) In the case of a residential building, if,-  
(i) he requires it for his own occupation, is not occupying another residential building in the urban area concerned and has not vacated such building without sufficient cause after the commencement of the 1949 Act in the said urban area;”*

*Perusal of the aforementioned provision shows that the Legislature in its wisdom used the word "occupying" while casting an obligation upon the landlord at the time of filing of the eviction petition to plead that "he is not occupying any other residential building in the urban area". The term "occupation" cannot be equated with the term "ownership" and thus, in a case where a landlord owns any other residential or commercial property as the case may be, in the same urban area but is not occupying the same, he may not be under any legal obligation to plead and provide details of those other properties and therefore its non-disclosure cannot be taken as concealment on his part. The aforementioned distinction has been dealt with by this Court in cases of "**M/s Bombay Kashmir Goods Carriers v. Charanjit Singh**", 2022 (2) RCR (Rent) 533 and "**Babu Lal v. Rahul**", 2023 (2) RCR (Rent)*

14. *Relevant portion from paragraph 11 of judgment passed*



in case of "**M/s Bombay Kashmir Goods Carriers**" (**Supra**) is reproduced hereunder:-

*"11. The Legislature in its wisdom has used the expression 'occupation/occupying' which has to be distinguished from 'ownership'. Therefore, it cannot be said that there has been any concealment by the respondent/landlord in not disclosing the properties owned by him because the petitioner/tenant failed to bring to the notice of this Court any material from which it could be shown that the respondent/landlord was in possession of any other premises other than the adjoining shop....."*

Relevant paragraphs of judgment passed in case of "**Babu Lal**" (**Supra**) are reproduced hereunder:

*"11.3 Section 13(1)(a)(i) of the Act necessitates three conditions; (i) the landlord requires the premises for his/her own occupation, (ii) he/she is not occupying another residential building in the urban area concerned, (iii) he/she has not vacated such building without sufficient cause after the commencement of the Act of 1949 in the said urban area. We are concerned with the second condition only, wherein the expression used is 'occupying', i.e., 'in occupation'. The words 'possession' and 'occupation' are two different words with distinct meanings; the legislature has consciously used the latter only. Section 13(3) of the Act uses the word 'possession' but Section 13(3)(a)(i) uses the word 'occupation/occupying'. Therefore, the two cannot be used inter-changeably. One may possess a property, but may not occupy the same. The expression 'occupation' means, 'use of the premises in occupation. It refers to the state of being in control and using the premises. The meaning assigned to the words 'occupation' and 'possession' in the Black's Law*



*Dictionary, Tenth Edition- Pages no. 1248 and 1351 respectively, also points to their being distinct, having different implications. It is as under:*

*Occupation. 2. The possession, control, or use of real property; Occupancy*

*Possession. 1. The fact of having or holding property in one's power; the exercise of dominion over property.*

*11.4 'Occupation', therefore, has a wider meaning as it includes possession, apart from being in control or using the property, but not vice versa. 'Possession' does not include occupation; it refers to the state of being in control over a property to the exclusion of others, which may not be in actual use by the one having possession over it.*

*11.5 The Supreme Court also with reference to provisions of Section 13 (2) (v) of the Act of 1973 explained the terms 'possession' and 'occupy' in **Ram Das v. Davinder (2004) 3 SCC 684**. The case pertained to a landlord seeking possession of the tenanted premises on the ground that the tenant had ceased to occupy it for a continuous period of four months without reasonable cause. In that context it was held as under:*

*'7. The terms "possession" and "occupy" are in common parlance used interchangeably. However, in law, possession over a property may amount to holding it as an owner but to occupy is to keep possession of by being present in it. The Rent Control Legislations are outcome of paucity of accommodations. Most of the Rent Control Legislations, in force in different states, expect the tenant to occupy the tenancy premises. If he himself ceases to occupy and parts with possession in favour of someone else, it provides a ground for eviction. Similarly, some legislations, provide it as a ground of eviction if the tenant has just ceased to occupy the tenancy premises*



*though he may have continued to retain possession thereof. The scheme of the Haryana Act is also to insist on the tenant remaining in occupation of the premises. Consistently with what has been mutually agreed upon the tenant is expected to make useful use of the property and subject the tenancy premises to any permissible and useful activity by actually being there. To the landlord's plea of the tenant having ceased to occupy the premises it is no answer that the tenant has a right to possess the tenancy premises and he has continued in juridical possession thereof...*

*This meaning assigned to the terms 'possession' and 'occupy' has direct relevance to the issue arising in the instant petition, as in **Ram Das (supra)** case also possession or occupation of the premises was the issue.'*

*11.6 The requirement of Section 13(1)(a)(i) of the Act, therefore, is that the landlord is not occupying another residential/non-residential building in the urban area concerned, i.e., he/she is not keeping possession of the premises and using it too by being present in it. Mere ownership and possession of a premises by the landlord, without it being in occupation, will not be of any consequence and cannot bar a landlord from seeking its possession for bona fide personal use."*

*9. In the present case, from the evidence available on record in the shape of deposition of RW-2 i.e. the respondent-tenant himself, it has been established on record that at the time of filing of eviction petition, the petitioner-landlord was not in occupation of the shop/showroom situated at Safidon Gate, Jind. The respondent-tenant while appearing as RW2 categorically admitted in his cross-examination that the shop situated at Safidon Gate, Jind was under tenancy before the*



filing of the eviction petition. Moreover, in his written statement as well as in his affidavit of evidence dated 11.10.2012 as RW the respondent-tenant merely mentions about the other shop being owned by the petitioner-tenant, he himself nowhere mentions about the occupation.”

**(Emphasis is mine)**

33. Thus, from the above facts, evidence, and legal position, it is clearly established that as per Law respondent was not required to disclose the other properties owned by him. Therefore, the reasoning of the learned Rent Controller to the effect that respondent had concealed material facts in not disclosing that he was owner of or in possession of other shops, is patently illegal.

34. Further, the petitioner has made much hue and cry about the alleged ‘admission’ made by AW4 Janak Raj, partner of respondent-firm in his cross-examination to the following effect: (at page 193 of the LCR):-

*“The property situated in Majith Mandi where we are doing our Karyana business is constructed on 75 sq. yards. We are having another property in gali gowardan Das. It is wrong to suggest that we are having five shops and a market in Gali Gowardan Das. It is wrong to suggest that we are having all the shops in our possession. Shop no 1 bearing 3' x 5/6 feet. All other shops bearing no 2 to 4 including the shop of Respondent are approximately 10.5 feet deep.”*

35. First and foremost, the objection of the petitioner to the above alleged admission of the respondent cannot be entertained as it is



beyond pleadings. Inasmuch as, as already recorded above, in his written statement, petitioner has made reference only to 5 properties; and has nowhere mentioned the sixth property situated in Majith Mandi. As such, strictly speaking, the said objection is not available to the petitioner. I am supported in my view by a judgment of this Court in above cited case of **Babu Lal v. Rahul, (Punjab And Haryana) : Law Finder Doc ID # 2156132;** wherein it is further held that: -

*“Mere ownership and possession of premises by landlord, without it being in occupation, cannot bar landlord from seeking its possession for bona fide personal use.*

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*12. The fact of landlord not being in occupation of any other suitable premises in the urban area concerned, was pleaded in the ejectment petition and proved in evidence also. Initial burden having been discharged by the landlord; onus was on the tenant to establish that the former was in occupation of another residential/non-residential building. He, however, failed to do that. Now, before this Court, by relying on the transfer deed, dated 26.3.2015 and referring to the recitals therein about ownership and possession of a shop, no plea can be raised that the landlord was in occupation of another non-residential property/shop in the urban area concerned; and that the fact was concealed by him while filing the ejectment petition. The transfer deed does not even prima facie establish that the landlord was in occupation of the property/shop mentioned therein. Therefore, the application to bring the transfer deed on record as additional evidence, as also the*



*plea of concealment of facts based thereupon, are devoid of merit."*

36. Even otherwise, in similar circumstances, this Court in

**Mohinder Kaur Supra**, has held that: –

*"13. Landlady when she appeared in the evidence, she stated that she does not have any other commercial shop or commercial property in her name in the urban limits of Jalandhar, nor she has sold or occupied or rented out any property owned by her situated within urban limits of Jalandhar. In cross-examination, she was asked about property No.506, Model Town, Jalandhar, which according to the tenant had been sold. She expressed her ignorance by stating as under:-*

*"I do not know if myself along with my sons sold the property No. 506, Model Town, Jalandhar, which is commercial property in the year 2007."*

*Learned Appellate Authority merely on the basis of this statement, has held that she has sold commercial property No.506, Model Town, Jalandhar. Tenant did not produce any evidence to prove that property no.506, Model Town, Jalandhar, was owned and possessed by her. As per the requirement of the Act of 1949, ownership of other properties is not material for examining the bonafide requirement. What is required is that the landlord (landlady) is not occupying another building or has not vacated such building without sufficient cause after the commencement of this Act in the said urban area. ....*

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19. It may be noted that Gurcharan Singh and Inderjit Singh are not her sons. Names of her sons are Harvinder Singh and Sharanpal Singh. In previous part of her statement, she has admitted that they have one factory and a showroom. However, she has explained that aforesaid property is owned by her sons as partners and the factory is also being run by her two sons. Once she had in the pleadings as well as in evidence clearly deposed that the aforesaid business or the premises was neither under her occupation nor she has any control over the same, it was for the tenant to rebut the aforesaid factual assertions. Tenant cannot just save himself and defeat the rights of eviction by pointing out from the income tax records wherein, landlady is depicted as a partner to the extent of 33%. Requirement of the Act is that another building shall be in occupation of the landlord. In the considered view of this court, such admission that she is partner in the partnership firm would not be sufficient to defeat the right available under the Act. If a tenant wishes to defeat such right, which are already limited, tenant has to prove beyond any reasonable doubt that the landlord is in occupation of another suitable building or she has vacated without any sufficient cause such suitable building after the commencement of the Act. In the present case, landlady who was 61 years old at the time of filing of petition, has specifically pleaded that the aforesaid premises shall be suitable for her being abutting the residence.”

**(Emphasis added)**

37. Moreover, it is not disputed that the above-said shop located in Majith Mandi mentioned by AW4 Janak Raj is owned by the respondent-



firm. Moreover, with reference to property at Majith Mandi AW1 Amit has categorically stated in his cross-examination that *“the property is owned by the firm but I have not seen any document of title of the suit property in favour of the applicant firm till today.”* This Court in **Ram Gopal v. Rekha Tyagi, (Punjab And Haryana) : Law Finder Doc ID # 2556217**, has held that:

*“29. In the given circumstances, the question of some of the properties of the landlady lying vacant or being in her possession, as such, does not stand established and the suitability as asserted, could have arisen thereafter. Properties owned by multiple persons, more particularly, when not established to be in exclusive possession of the landlady, would obviously be inconvenient, in the minimum, to initiate business, on the basis of the projected 'need'. It is quite obvious that the other co-sharers, even be family members, may not agree for excessive user of the joint property by the respondent-landlady and they may be interested to let out the same, to make themselves entitled to proportionate rent of the said properties.” (Emphasis added)*

38. It is undisputed fact on record that the property at Majith Mandi mentioned by Janak Raj in his cross-examination is in the joint ownership of the partners of the respondent firm. No doubt the Rent Application has been filed by the respondent-firm, however, in terms of the above-cited judgments, requirements of the family members of the



partners of the said firm cannot be ignored. Thus, the said argument on behalf of the petitioner stands rejected.

39. Furthermore, the Hon'ble Supreme Court in **Civil Appeal no.4275 of 2017** titled as "**Murlidhar Aggarwal (D) through his LR Atul Kumar Aggarwal Vs. Mahender Pratap Kakan (D) thr LRs and Ors.**" **Decided on 24.04.2025**, wherein it is held that requirement for occupation of landlord is to be liberally construed and as such:-

*"25. It is well settled that the bona fide requirement for occupation of the landlord has to be liberally construed and, as such, even the requirement of the family members would be covered. [See **Joginder Pal v. Naval Kishore Behal**, (2002) 5 SCC 397 and **Dwarkaprasad v. Niranjana and Anr.**, (2003) 4 SCC 549]"*

40. Reliance placed by the petitioner upon judgment of **Baldev Raj (supra)**, is misplaced as the said judgment is distinguishable on facts and law inasmuch as in the case of **Baldev Raj (supra)**, the landlord had sold the demised premises; whereas that is not so in the present case.

41. Moreover, it is well settled principle of law that landlord is the best judge of his requirement, as held by the Hon'ble Supreme Court in **Kanahaiya Lal Arya v. Md. Ehsan, (SC) : Law finder Doc ID # 2698442**, as follows:-

*"10. The law with regard to eviction of a tenant from the suit premises on the ground of bona fide need of the landlord is well settled. The need has to be a real one rather than a mere*



*desire to get the premises vacated. The landlord is the best judge to decide which of his property should be vacated for satisfying his particular need. The tenant has no role in dictating as to which premises the landlord should get vacated for his need alleged in the suit for eviction.”*

42. To recapitulate, the case of the petitioner is liable to be rejected in view of the fact that the respondent has specifically pleaded that the demised shop is required by the applicant i.e. Laxmi Narayan, one of the partners of applicant firm, for the use and occupation of his grandsons for business purposes as they have completed their studies and want to start their own business in the demised premises. The respondent has further specifically pleaded that the grandsons of Laxmi Narayan do not possess any such property of their own in the urban area of Amritsar, nor they have vacated any such property. (Pg. 88-89 of the LCR). The petitioner had filed Written Statement accepting the relationship of Landlord and Tenant. With respect to the ground of Bonafide need of the grandsons of the applicant, the only plea taken is that allegedly the applicant is already having five shops in his possession out of which four shops are lying vacant, and hence the need is not bona fide. (Pg. 103 of the LCR). In the replication, the respondent has specifically denied the averment that the applicant is already having any shop lying vacant. (Pg. 135 of the LCR). Although the Rent Controller had held against the



respondent that material facts were concealed; however, there is a specific finding by the Ld. Appellate Authority that it has come in evidence that all the shops are under the possession of tenants i.e. Dogra Hair Dresser and the present tenant. Further held that no evidence or documents have been proved by the tenant regarding other property owned by the applicant/landlord.

43. It is to be considered that the Landlord Janak Raj while appearing as AW-4 reiterated in his affidavit that the grandsons of Laxmi Narayan do not own or possess any such property in the urban area of Amritsar nor they have vacated any such property. (Pg. 183 of the LCR). It was further clarified by the Landlord/ AW-4 that the shop being used as a garage was owned by his mother Smt. Chanchal Kumari and after her death, her husband along with her two sons and two sisters have inherited the said property. Thus, the said property was under joint ownership and not of exclusive ownership of the applicant or the grandsons of whom the Bonafide need was pleaded. (Pg. 189 of the LCR). Regarding the alleged property in Gali Gowardan Das, it was put to the Landlord Janak Raj appearing as AW-4 whether the applicant has shops and a market in Gali Gowardan Das, which was specifically denied by the Landlord as AW4. (Pg. 193 of the LCR). Regarding the alleged shop in Majith Mandi, Amritsar, the grandson of the applicant i.e. Amit appearing as AW-1 had clarified that the said shop is owned by the partnership firm comprising of various partners and



has various co owners and the partnership firm is working there. (Pg 149 of the LCR). Thus, the said property was owned and being used by the partnership firm with multiple partners and owners. The petitioner while appearing as RW4 admitted that he has not seen any document of title with respect to any other property in the name of Amit and Ashish. Further admitted that he does not know if Amit and Ashish are having any property owned by them or not. He further admitted that he has not seen any document of title with respect to property of Laxmi Narayan or Naresh Kumar or Janak Raj. (Pg. 249 of the LCR). It is very pertinent to mention here that no evidence whatsoever was led by the petitioner to prove the ownership or possession of any other shop in the name of either Laxmi Narayan (grandfather), or Naresh Kumar or Janak Raj (sons of Laxmi Narayan), or Amit and Ashish (grandsons of Laxmi Narayan). No evidence or documentary proof was ever produced by the petitioner to show any other shop owned by either Laxmi Narayan or his son or his grandsons i.e. Amit and Ashish. RW3 Ram Lal produced by the petitioner, also admitted that he had not seen any title document of the alleged properties owned by the applicant. (Pg. 231 of the LCR).

44. With regard to the alleged property being used as a garage, AW-4 clarified that the same originally belonged to his mother, Smt. Chanchal Kumari, and after her demise devolved upon multiple legal heirs, including her husband, sons and daughters. The said property is under joint



ownership and is not the exclusive property of the respondent or the grandsons for whose benefit the bona fide need has been pleaded. The petitioner's own witness, Ram Lal (RW-3), has admitted that the adjacent property has been used as a garage since the time it was purchased.

45. With respect to the alleged shop at Majith Mandi, Amritsar, Amit, grandson of Laxmi Narayan, appearing as AW-1, and clarified that the said shop is owned by the partnership firm and is being used for partnership business. The same is not an independent or vacant commercial accommodation available for the personal business of the grandsons. Similarly, the suggestion regarding alleged shops and market in Gali Gowardan das was specifically denied by AW-4, and no documentary evidence whatsoever was produced by the petitioner to substantiate the said allegation. The petitioner, while appearing as RW-4, admitted that he has not seen any title documents in the name of Amit and Ashish and does not know whether they own any property. He further admitted that he has not seen any title documents of any other property in the name of Laxmi Narayan, Naresh Kumar or Janak Raj. Even the witness produced by the petitioner admitted that he had not seen any title documents of the alleged properties. Thus, no evidence, oral or documentary, has been led by the petitioner to establish availability of any alternative suitable accommodation.

46. The petitioner has also conceded in his cross-examination that the grandsons of Laxmi Narayan are graduates. Needless to say, there,



desire to start an independent business from the demised premises constitutes a genuine and bona fide requirement. The law is well settled that the landlord is the best judge of his requirement, and the tenant cannot dictate terms as to how or in what manner the landlord should utilize his property. The Id. Appellate Authority, upon proper appreciation of the entire evidence on record, recorded a specific finding that all the shops in property no.10-A are in possession of tenants and that no evidence has been produced by the petitioner to prove ownership or availability of any alternative property with the respondent or his grandsons. These are findings of fact based on evidence and do not suffer from any illegality or perversity warranting interference in revisional jurisdiction.

47. In view of the above, present petition stands **dismissed**.

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

**24.02.2026**

Sunena

**(Nidhi Gupta)**  
**Judge**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No