

2026:PHHC:075454



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

CR-622-2024 (O&M)

Date of Decision: 11.05.2026

MANGAL SINGH @ MANGAT SINGH

...Petitioner

Vs.

NIRMAL SINGH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gourav Goel, Advocate for the petitioner.

HARKESH MANUJA, J. (ORAL)

1. By way of present revision petition, challenge has been laid to the judgments/orders dated 20.09.2021 passed by the learned Rent Controller, Ludhiana and dated 24.07.2023 passed by the learned Appellate Authority, Ludhiana, whereby the ejectment petition preferred by the respondents-landlords under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter to be referred to as "**1949 Act**"), was allowed as against the petitioner-tenant on the grounds of arrears of rent and *bona-fide* personal necessity.

2. Briefly stating, the respondents-landlords filed an eviction petition against petitioner-tenant with the averments that the subject property, Plot No. 122 situated at Transport Nagar, Ludhiana measuring 250 square yards was originally allotted in equal shares to M/s Ravinder & Company through its proprietor Fulpreet Singh and to M/s Grewal Road Carrier through its proprietor Rajinder Singh son of Gurdial Singh. It was pleaded that Rajinder Singh sold his half share measuring

125 square yards to respondent No.1 through agreement to sell dated 19.04.1985 and thereafter, the Improvement Trust executed a registered sale deed dated 05.06.2015 in favour of the respondents. It was further pleaded that after obtaining possession, respondent No.1 constructed shops over the property and let out Shop No.2 to the petitioner-tenant under oral tenancy. The rent was initially fixed at Rs.1000/- per month and later enhanced to Rs.3000/- per month with effect from January, 2013. The respondents-landlords sought eviction of the petitioner-tenant on the ground of arrears of rent as well as on the ground of the same being required for *bona-fide* necessity for use and occupation of respondent No.1 and his son Manjit Singh, who intended to start independent business therein.

3. Upon notice, petitioner-tenant appeared and filed written statement thereby, controverting the pleadings set up by the respondents-landlords while submitting that no relationship of landlord and tenant existed between the parties. The petitioner-tenant pleaded that Rajinder Singh alienated the property in favour of one Tara Singh by way of agreement to sell, pursuant where to Tara Singh inducted the petitioner as a tenant on 20.04.1998 at a monthly rent of Rs. 800/-, which was later increased to Rs. 1,300/- per month. It was further averred that after the demise of Tara Singh, the rent was being tendered to his widow, namely Paramjit Kaur. The petitioner also denied the *bona fide* personal necessity pleaded by the respondents and hence prayed for dismissal of the eviction petition.

4. On the basis of pleadings, the learned Rent Controller framed necessary issues and after appreciating oral as well as documentary evidence led by the parties, allowed the ejectment petition vide order/judgment dated 20.09.2021. The appeal preferred by the petitioner-tenant came to be dismissed by the learned Appellate Authority vide order/judgment dated 24.07.2023 affirming the findings

recorded by the learned Rent Controller. Aggrieved thereof, the present revision petition was filed at the instance of petitioner-tenant.

5. Learned counsel for the petitioner argues that the Authorities below have committed patent illegality in ordering eviction of the petitioner despite failure of the respondents to establish relationship of landlord and tenant. It is contended that mere ownership does not *ipso facto* establish status of landlord and the Authorities below wrongly presumed the respondents to be landlords merely on the basis of the sale deed. It is further argued that Tara Singh was the actual landlord who inducted the petitioner as tenant and the electricity connection installed in the name of Tara Singh probalises the defence version. Learned counsel further contends that the *bona fide* necessity set up by the respondents was neither genuine nor proved by cogent evidence. He argues that the son of the landlord was already working with respondent No.1 and no material was produced to establish any imminent necessity. He also submits that the possession of the demised premises was obtained by the respondents in a forcible and illegal manner during the pendency of proceedings, without following due process of law. It is contended that such dispossession being contrary to law, the petitioner is entitled to restoration of possession by this Court in exercise of its supervisory jurisdiction.

6. I have heard learned counsel for the petitioner-tenant and gone through the paper-book.

7. The primary contention raised by the petitioner pertains to the absence of relationship of landlord and tenant between the parties. However, the said contention does not merit acceptance. The respondents-landlords proved on record certified copy of registered sale deed dated 05.06.2015 executed by the Improvement Trust in favour of respondent No.1 and co-owner Fulpreet Singh.

The same was duly proved through PW-3 Kuldeep Singh, Record Clerk from the office of Sub Registrar. The learned Appellate Authority rightly held that a sale deed for the purposes of its registration is not a document compulsorily required by law to be attested and, therefore, examination of attesting witness was not necessary.

7.1 Furthermore, once ownership and entitlement *qua* the demised premises stood duly established, the respondents-landlords clearly fell within the definition of “*landlord*” under Section 2(c) of the 1949 Act. In this regard, this Hon’ble Court in “*Romesh Kumar @ Mesha vs. Rama Kumari @ Rama Kundra*” reported as 2010 (2) RCR (Rent) 79 has categorically held that owner is always a landlord, even where the strict relationship of landlord and tenant is disputed by the tenant. On the other hand, the petitioner utterly failed to substantiate the plea that Tara Singh was either the owner or landlord of the demised premises. Neither any agreement to sell allegedly executed in favour of Tara Singh nor any rent receipt evidencing payment of rent to Tara Singh or his widow was produced on record. Even Paramjit Kaur, widow of Tara Singh, was not examined as a witness to support the said plea. Mere existence of electricity connection in the name of Tara Singh could neither confer ownership upon him nor establish tenancy rights in favour of petitioner. Moreover, the petitioner himself took contradictory stands during his cross-examination regarding the alleged transfer in favour of Tara Singh. Consequently, the entire defence sought to be raised by the petitioner-tenant remained wholly unsubstantiated and devoid of merit.

8. Coming to the ground of *bona-fide* necessity, both the authorities below have concurrently returned a categorical finding that the demised premises is genuinely required by respondent No.1 for settling his son, Manjit Singh, independently in business. In support of the said plea, Manjit Singh himself

appeared in the witness-box as PW-2 and categorically deposed that he intended to start a separate business from the demised premises. The law on this issue is well-settled. In the case of “*Kanahaiya Lal Arya vs. Md. Ehshan & Ors.*” reported as 2025 INSC 271, the Hon’ble Apex Court held that the landlord is the best judge of his requirement and the tenant cannot dictate terms as to how the landlord should utilize his property.

9. The petitioner has also sought restoration of possession on the ground that possession was forcibly taken during execution proceedings. The said plea deserves outright rejection. Once the eviction order had attained finality and possession stood delivered in execution of a lawful eviction orders passed by the competent Authorities, no question of restoration of possession would arise in exercise of revisional jurisdiction, particularly when this Court finds no illegality or perversity in the impugned eviction orders passed by the learned authorities below.

10. It is evident from the record that the concurrent findings recorded by both the Authorities below are based upon proper appreciation of the oral as well as documentary evidence and in consonance with the settled principles of law governing the field. Learned counsel for the petitioner has failed to point out any perversity, patent illegality or jurisdictional error in the impugned orders so as to warrant interference by this Court in exercise of its revisional jurisdiction.

11. Consequently, finding no merit in the present revision petition, the same is hereby dismissed. Pending miscellaneous applications, if any, shall also stand disposed of.

11.05.2026
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable:	Yes/No
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