



CR No.656 of 2025 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR No.656 of 2025 (O&M)
Date of Decision:16.01.2026

RAMESH KUMAR

.....Petitioner

Vs

ASHA RANI (DECEASED) TH. HER LRS. AND ANRRespondents

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*Present: Mr. Rahul Bhargava, Advocate
for the petitioner-tenant.

HARKESH MANUJA, J. (Oral)

[1]. By way of present revision petition, challenge has been laid to the judgments dated 25.09.2018 & 04.10.2024 passed by the learned Rent Controller, Amrtisar and the learned Appellate Authority, respectively, whereby an eviction petition filed under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (for short 'the 1949 Act') at the instance of respondent No.1-landlady qua the demised premises on the ground of her *bona fide* requirement, stands allowed/affirmed.

[2]. Briefly stating, respondent No.1-Asha Rani filed an eviction petition against the petitioner and respondent No.2 (tenant) on the grounds of non-payment of arrears of rent, her *bona fide* requirement, as well as for the use and occupation of her daughter Ranju so as to open a dress designing and beautician shop in the demised premises. It was also alleged that respondent No.2 had unlawfully sub-let the demised premises to the petitioner and was receiving rent against the same without any written permission from respondent No. 1-landlady.



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[3]. Upon notice, petitioner-tenant appeared and contested the same, whereas respondent No.2 failed to appear and was proceeded against *ex parte*. In the written statement filed on behalf of the petitioner, it was submitted that the demised premises was originally purchased by the husband of respondent No.1 from Tripta Kumari vide sale deed dated 05.03.1975. It was further pleaded that the demised premises was taken on rent by the father of petitioner, namely, Mool Chand and after his death, the tenancy rights of the demised premises devolved upon his legal heirs including the petitioner and respondent No.2. Further, the execution of rent note was alleged to be forged and fabricated document being the result of collusion between respondent Nos.1 and 2. Also, the petitioner denied the arrears of rent, the *bona fide* requirement of respondent No. 1-landlady and her daughter Ranju. Further, the allegation of sub-letting of demised premises by respondent No. 2-Vinod Kumar to the petitioner was also denied.

[4]. The learned Rent Controller, Amritsar vide its judgment dated 25.09.2018 allowed the eviction petition filed at the instance of the respondent No1.-Asha Rani (since deceased), thereby passing an eviction order against the petitioner-tenant while holding that the *bona fide* requirement of demised premises by respondent-landlady stood proved. The ground of non-payment of rent was rendered infructuous as the same stood tendered in Court during the pendency of the rent petition.

[5]. Aggrieved against the aforesaid judgment dated 25.09.2018, the petitioner-tenant filed an appeal, which also came to be dismissed by the learned Appellate Authority, Amritsar vide its decision dated 04.10.2024. Hence, the present revision petition.



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[6] Impugning the aforesaid two decisions, learned counsel for the petitioner-tenant submits that the eviction petition filed at the instance of respondent-landlady (Asha Rani) was not based on a *bona fide* requirement. He further submits that the tenancy was originally created vide rent note dated 18.02.1981 by the husband of respondent No. 1, namely, Tilak Raj in favour of the father of petitioner, namely, Mool Chand, which commenced from 01.09.1981 @ Rs.60 per month, and after the death of Mool Chand, the tenancy rights devolved upon his legal heirs including the petitioner and respondent No.2. However, all the legal heirs of Mool Chand were not added as co-tenants as he had three sons, namely, Ramesh Kumar, Vinod Kumar and Billa and 2 or 3 daughters; he thus submits that the ejectment petition was not maintainable being not filed by all the legal heirs of Tilak Raj, who was the real landlord.

[7] After hearing learned counsel for the petitioner-tenant and having gone through the paper-book, no case for interference in impugned order(s) is made out.

[8] A perusal of the record shows that based on the evidence available on record, both the Courts below have concurrently recorded a finding that the need of the petitioner and her daughter is *bona fide*, as the demised premises was required for setting up of business of dress designing and beautician by the daughter. It has been established on record that the daughter of respondent No.1/landlady, namely, Ranju, is a divorcee and residing with her mother. She was carrying on the business of dress designing and stitching from home and required the demised premises in order to increase her earning and business so that she can look after her ailing mother i.e. respondent No.1-landlady. In such circumstances, mere fact that there was minor contradiction between the examination-in-chief and cross-



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examination of daughter of respondent No.1/landlady cannot be a ground to non-suit respondent No.1-landlady.

[9] With regard to the plea that all the legal heirs of Mool Chand (father of petitioner) have not been arrayed as party in the ejectment petition is wholly misconceived. Admittedly, relationship of landlord and tenant existed between the father of petitioner, namely, Mool Chand and husband of respondent No. 1, namely, Tilak Raj. Even it has not been disputed that after the death of Mool Chand, the petitioner inherited the tenancy right, whereas after the death of Tilak Raj, respondent No. 1 became the landlady, meaning thereby, relationship of landlord and tenant is duly admitted. As per settled law, there is no requirement that all the persons who have inherited the tenancy rights must be impleaded as parties, as possession of one legal heir is deemed to be possession of all. Therefore, even if all the legal heirs of Mool Chand have not been arrayed as parties in the present case, no benefit can be derived therefrom by the petitioner/appellant.

[10] Thus, in such circumstances, the findings recorded by the Courts below being based on proper appreciation of pleadings and the evidence available on record, there being no illegality or perversity in the impugned judgments, the present revision petition is **dismissed**.

[11] All pending application(s), if any, shall also stand disposed of.

January 16, 2026
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(HARKESH MANUJA)
JUDGE

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