



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-1075-2023
Date of decision : 16.04.2026

Rattan Lal and another

... Petitioners

Versus

Shanti Rani and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Hitesh Kumar Sammi, Advocate
for the petitioner.

Mr. Ashish Aggarwal, Senior Advocate with
Mr. Saket Bhandari, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

1. The tenant and the alleged sub-tenant are in revision against the concurrent finding of fact.

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**CHALLENGE IN THE PRESENT REVISION PETITION**

2. Challenged in the present revision petition is to the judgment dated 07.12.2016 vide which the Rent Controller has ordered the eviction of the petitioners from the premises in question i.e. portion of the ground floor, S.C.F. No.36, Sector 28-C, Chandigarh measuring 26'-3" x 4'-4½" on the ground of personal necessary and subletting. Challenge is also to the judgment dated 21.01.2023 vide which the appeal filed by the present petitioners was dismissed and eviction on the ground of bonafide requirement as well as sub letting was upheld.

ARGUMENTS ON BEHALF OF THE PETITIONERS

3. Learned counsel for the petitioners has submitted that in the present case, the ground of personal necessity is not made out, inasmuch as, out of the three respondents, who had filed the eviction petition, two respondents i.e., respondents no.1 and 3 have died and thus, it cannot be said that the necessity for the premises is still existing. It is submitted that in the said circumstances, the findings of the Rent Controller as well as the Appellate Authority evicting the petitioners on the ground of personal necessity deserves to be reversed. It is further submitted that even the ground of sub letting is not made out, inasmuch as, petitioner no.1 was the initial tenant in the premises and thereafter in the year 1981, petitioner no.2 was inducted as a tenant in December, 1981 by the now deceased Krishan Lal Sahni and the said tenancy was an oral tenancy. It is submitted that the said important aspect has not been considered by the Rent Controller as well



as the Appellate Authority, resulting in a perverse finding, which deserves to be set aside.

ARGUMENTS ON BEHALF OF RESPONDENT NO.2

4. Learned senior counsel for respondent no.2, on the other hand, has submitted that the Rent Controller as well as the Appellate Authority, after taking into consideration the entire evidence on record, have concurrently found that both the grounds for personal necessity and subletting are made out and thus, this Court in revisional jurisdiction, as per settled law, should not interfere in the concurrent finding of the Rent Controller as well as the Appellate Authority. It is further submitted that as far as the plea of bonafide requirement is concerned, the respondents have been able to establish the said plea which is for expansion of business of all the respondents including respondent no.2, who is admittedly alive and is running his business in the other part of the shop in question. With respect to the ground of subletting, it is submitted that the rent note exhibited as Ex.P1, in the present case is in favour of petitioner no.1 i.e., Rattan Lal and thus, it is proved beyond doubt that it is the said Rattan Lal who was the only tenant in the premises. It is submitted that premises were never let out to petitioner no.2 Parkash Saini and the plea taken by the petitioners to the effect that there was oral tenancy in December 1981 is not even remotely proved. It is submitted that in the year 1981 Parkash Saini was a minor and thus the question of his running business is highly improbable. It is further submitted that even as per the case of the petitioners, it is petitioner no.2 is



in occupation of the entire premises and the petitioner no.1 is conducting his business in separate premises and thus, it is proved beyond doubt that petitioner no.1 has sublet the premises to petitioner no.2.

ANALYSIS AND FINDINGS

5. This Court has heard learned senior counsel and counsel for the parties and has perused the paper book and finds that the judgments of the Rent Controller as well as of the Appellate Authority are in accordance with law and deserve to be upheld and the present revision petition is meritless and deserves to be dismissed for the reasons stated hereinafter.

6. The eviction in the present case has been ordered on two grounds. The first being the ground of personal necessity and the second being the ground of subletting. Respondents no.1 to 3 in their petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 had given the details of their personal necessity in paragraph 2 sub paragraph (i) which is reproduced hereinbelow:-

“2. That the respondent is liable to vacated the tenanted portion of the ground floor of the said premises on the following grounds, needless to say that the respondents have not been proven to be a good tenant:

*i) That the premises are required i.e. the portion on the ground floor of the premises, le. SCF No. 36, Sec-28/C, Chandigarh, of which had been occupied by the respondent no. 2, **the said portion is required for the personal use and occupation of the petitioners. It is worth to mention that the said premises are required as the petitioners require the said premises for their own use and occupation for the expansion of their business of sale of medicines as well as making the room for the son of the petitioner no. 3 who is qualified as MD and is a child specialist, he is not completely devoting his qualifications t the patients because of the***

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*paucity of the space, the portion is to be used for the clinic as well as the set-up is to be made for clinical laboratory. The said business is to be expanded and the sitting of the son of the petitioner is to be modernized, the sitting capacity of the patients has to be made, the entire floor is to be used, however, the said cannot be put to use because of the paucity of space **Petitioner no. 2 and 3 are running the firm called Sahni Medicos on the portion of the ground floor and they intend to expand their business, however, in the routine when the petitioner no. 2 and 3 who are assisted by their sons namely Kushal Sahni Kunal Sahni with his wife Mrs. Deepika Sahni and Dr. Kapil Sahni, son of petitioner no. 3, who is also running a small clinic in the demised premises, the space under the occupation of the petitioners are not sufficient for their use and occupation. The ground floor of the premises which is occupied by the tenant is to be used for opening the clinic and to expand the business of sale of medicines and other allied articles. The portion under the occupation of the respondent no. 2 is required for the personal use and occupation as the said premises are required for expansion of the business as stated above and for opening a clinic which cannot be done in the present available accommodation. The other brothers namely Sh. Satish Kumar and Surinder Kamar has no objection for filing the present petition. Even otherwise the co-owners can maintain the present petition, The property has not been transferred in the names of the petitioners, however, after the death of Sh. Krishan Lal Sahni, the petitioners are the deemed co-owners however they are the landlord of the demised premises. It is evenly worth to mention that the first floor and second floor of the premises are required as many persons who are coming to the petitioner no. 2 and 3 in their business affairs, the premises are also required for their stay which should be more comfortable and the petitioners are eyeing upon to renovate both the first and second floors for the comfortable and most convenient residence. **The petitioners thus in the given set and circumstances require the present premises for their personal use and occupation.** The petitioners and Sh. Kushal Sahni does not own and possess any ther commercial property in the Urban Area of Chandigarh, (however, the first floor of the present premises is under possession of another tenant for residential purpose and the top floor which is also meant for residential purpose is lying vacant) nor has***



*vacated the same after the commencement of the Act. The respondents are thus liable to vacate the premises. **The need is not a wish but is a strong desire to occupy the premises and to expand the business with the expansion in the family and the expansion in the business, the entire ground floor is to be put to the use of clinic, sale of medicines and other articles.***”

7. A perusal of the above would show that it was the plea of the respondents no.1 to 3 that the premises which were occupied by the present petitioners measuring 26'-3" x 4'-4 1/2" of S.C.F. no.36, Sector 28-C, Chandigarh was required by respondents no.1 to 3 for the purpose of their own use and occupation and for the expansion of their business of sale of medicines etc. It was pleaded that respondent no.2 and 3 herein were running the firm called Sahni Medicos on a portion of the ground floor and they were intending to expand their business and in routine they were also assisted by their children. The petitioners have controverted the said plea in the written statement.

8. The Rent Controller after taking into consideration the evidence of PW-1 (respondent no.2 herein) and also the evidence of PW-2 i.e., Kushal Sahni has held that the plea of bonafide necessity, as raised in the eviction petition stood proved. It was also noticed that petitioner no.1 Rattan Lal, who was the tenant, did not appear in the witness box and that the sole witness of the present petitioners i.e., RW-1 Prakash Saini had in his cross-examination stated that he did not possess any document to show that he was inducted as a tenant by then owner Krishan Lal Sahni. The Rent



Controller observed that there was no doubt that there was relationship of tenant and landlord between the parties and respondents no.1 to 3 herein required the premises in question for the purpose of expanding their business and their requirement was genuine and bonafide. The Rent Controller relied upon various judgments passed by the Hon'ble Supreme Court of India as well as by this Court in which it has been held that when eviction is sought on the ground of bonafide need, then, Rent Controller should not proceed with the assumption that the need is not bonafide and that once the landlord is able to prima-facie show the existence of necessity, then, a presumption of law arises in his favour and it is for the tenant to rebut the said presumption or to show that the requirement is malafide. The judgment of the Hon'ble Supreme Court in the case of ***Sarla Ahuja vs. United India Insurance Company*** reported as ***1998(2) RCR (Rent) 533***, in which it has been held that it is not for the tenant to dictate terms to the landlord as to how he should adjust himself and the necessity of the landlord is to be seen from the point of view of the landlord, was also taken into consideration.

9. The Appellate Authority, while upholding the said finding, further observed that even though respondents no.1 and 3 have died but the bonafide requirement of the respondents still persists as respondent no.2 is living. The evidence of the witnesses examined was reconsidered and it was found that PW-1 Sudesh Kumar Saini as well as PW-2 Kushal Sahni had withstood cross-examination with respect to bonafide requirement.



10. Before this Court, it is not disputed that respondent no.2 Sudesh Kumar Sahni is still living and is running his business in the other part of the premises in question and in the eviction petition, there was a plea raised on his behalf also for the purpose of expansion of his business. Further RW-1 Prakash Saini (petitioner no.2) who is the sole witness examined by the petitioners in his cross-examination has admitted the fact that earlier present respondents no.2 and 3 were running the shop of medicines in the premises in question and subsequently only respondent no.2 has been working in the said premises. The said admissions are apparent from perusal of paragraph 19 of the judgment of the Appellate Authority where the cross-examination of RW-1 has been discussed in detail and the said admissions have been noted and the said observations / discussion / admissions have not been shown to be perverse on behalf of the petitioners before this Court.

11. It is a matter of settled law that the personal necessity of the landlord is to be seen on the date of filing of the eviction petition. Even in case subsequent events are taken into consideration in the present case which have been highlighted on behalf of the petitioners and which are to the effect that respondents no.1 and 3 having died during the pendency of the case, still since in the original petition the requirement of respondent no.2 and the children of respondents no.2 and 3 has also been projected, who all are admittedly living, thus, it cannot remotely be said that the said requirement no longer subsists. No perversity or misreading of the evidence



has been pointed out on behalf of the petitioners. The Hon'ble Supreme Court in the case of ***Hindustan Petroleum Corporation Limited vs. Dilbahar Singh*** reported as ***2014(9) SCC 78*** had observed that the revisional jurisdiction of this Court in rent matters is much narrower jurisdiction than it is in appeal and it would not entitle the High Court to act as a second Appellate Court.

12. Thus, the finding on the point of personal necessity is upheld.

13. The second issue, which is required to be considered, is as to whether the finding of the Rent Controller and the Appellate Authority on the ground of subletting is in accordance with law or not. In the eviction petition in paragraph 2 sub clause (ii) the ground of sub letting was pleaded which reads as under:-

“ii) That the respondent no. 1 has sub-let the said premises to respondent no. 2 i.e. Sh. Prakash Saini and the respondent no. 1 has shifted to 324, Industrial Area, Phase 1, Chandigarh. The said portion is in exclusive possession of respondent no. 2 and the said sub-letting is against consideration. The firm ie. Rattan Electric Company is being run by the respondent no. 2 and the respondent no. 1 has intentionally and without the consent of the petitioners has sub-let the premises to respondent no. 2. There is no brevity of relationship with respondent no. 2 thus the respondents are liable to be evicted from the said premises. The respondents are thus liable to vacate the premises.”

14. Respondent no.1 before the Rent Controller is petitioner no.1 herein i.e., Rattan Lal and respondent no.2 before the Rent Controller is Prakash Saini, who is petitioner no.2 before this Court. In the written statement, in response to the abovesaid paragraphs, the present petitioners



had admitted the fact that the tenanted premises were earlier occupied by Rattan Lal (present petitioner no.1) and that after the said Rattan Lal had vacated the tenanted premises, he shifted to his own industrial plot in the year 1981 and it was further the case of the petitioners that, thereafter, in December 1981 the owner and landlord Krishan Lal Sahni had inducted the present petitioner no.2, who is proprietor of Proprietorship firm M/s Rattan Electric Company, as tenant in the tenanted premises. It is not disputed before this Court that the rent note dated 22.01.1974 which has been exhibited as Ex.P1 shows that Rattan Lal was the tenant in the premises in question. It is also not further disputed that there is no rent note in favour of petitioner no.2 Parkash Saini or his firm.

15. The Rent Controller, after taking into consideration the said rent note, and also the fact that there was no document on record to show that the premises had been let out to petitioner no.2 and also the fact that petitioner no.2, even as per his own case has been in exclusive possession of the tenanted property, and thus, it was proved that the petitioner no.1 had sub-let the property in dispute to petitioner no.2 for running business in the name and style of M/s Rattan Electric Company. The Appellate Authority had reaffirmed the said finding and had further observed that there was no evidence in support of the plea raised by petitioner no.2 to the effect that there was an oral tenancy between him and late Sh. Krishan Lal and that as admitted by RW-1 Prakash Saini (petitioner no.2) he was 17/18 years of age in the year 1981 and thus, it was observed that it is highly improbable to



believe that he could have been inducted as a tenant at such an age to run the business. The fact that petitioner no.1 herein had not appeared in the witness box was also taken note of.

16. Once the rent note which has been duly exhibited, shows that Rattan Lal is the tenant, then, the onus of proving that petitioner no.2 was subsequently inducted as a tenant in pursuance of the alleged oral tenancy was on petitioner no.2. The said onus has not even remotely been discharged. RW-1 who is the sole witness examined by the present petitioners has in his cross-examination stated that his father had remained tenant in the premises from 1974 to 1981 and that there was no written document between petitioner no.2 and Krishan Lal to prove any subsequent tenancy in his favour. The said facts are apparent from paragraph 19 of the judgment of the Appellate Authority in which the Appellate Authority has in detail discussed the cross-examination of RW-1 and the said discussion has not been shown to be perverse or based on misreading of the evidence of the said RW-1 on behalf of the petitioners before this Court. Moreover, it is not disputed before this Court that RW-1 Prakash Saini (petitioner no.2) was 17/18 years of age in the year 1981, and thus, even the observation made by the Appellate Authority to the effect that it is highly improbable that the present petitioner no.2 could have been inducted as a tenant to carry on business at the said young age, moreso, when there was no written rent note, is in accordance with law. Nothing has been pointed out before this Court to show that any evidence has been misread or misconstrued so as to



call for setting aside the concurrent finding of the Rent Controller and the Appellate Authority by this Court while exercising its revisional jurisdiction.

17. Keeping in view the above said facts and circumstances, the judgment dated 07.12.2016 passed by the Rent Controller and the judgment dated 21.01.2023 passed by the Appellate Authority are upheld and the present revision petition being meritless is dismissed.

(VIKAS BAHL)
JUDGE

April 16, 2026.
Davinder Kumar

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