



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR-1211-2026(O&M)

LAJPAT RAI

...PETITIONER

VERSUS

SUDESH RANI

.... RESPONDENT

1.	Judgment reserved on	10.03.2026
2.	Judgment pronounced on	27.05.2026
3.	Judgment uploaded on	29.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced.	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Nil

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Argued by: Mr. S.M. Wadhera, Advocate for the petitioner.

Mr. Saket Bhandari, Advocate for respondent/caveator.

YASHVIR SINGH RATHOR. J.(Oral)

1. This revision petition is directed against the concurrent findings of the learned Rent Controller, Karnal and the First Appellate Authority, Karnal vide which the petitioner/tenant (**hereinafter referred to as ‘respondent’**) has been ordered to be evicted from the demised premises in a petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (**hereinafter referred to as the ‘Act’**), instituted by the respondent/landlord (**hereinafter referred to as ‘petitioner’**) in Rent Petition No.38 of 2015 titled "**Sudesh Rani Vs. Lajpat Rai**", vide judgments dated 25.03.2022 and 09.12.2025 respectively.
2. Case of petitioner-landlord is that she is the owner-cum-landlord of booth/shop No.150, Sector-6, Karnal as detailed in para No.1 of the petition



(hereinafter referred to as demised premises). She purchased the property from one Ajmer Singh who had purchased the same from one Santosh Kumari on the basis of full payment agreement to sell dated 03.05.2013. One of the stipulation in the agreement to sell was that said Ajmer Singh was at liberty to get the sale deed executed and registered in favour of any person of his choice. On the basis of said agreement, he executed the sale deed dated 19.08.2013 in favour of petitioner and she became owner of the demised premises.

3. It is further submitted that respondent-tenant filed one suit under Section 6 of the Specific Relief Act, 1963, titled, 'Lajpat Rai Vs. Santosh Kumari & Anr.', against his forcible dispossession by said Santosh Kumari. The Court of Civil Judge (Junior Division), Karnal passed an order for restoration of his possession and on the basis of said order, respondent tried to take possession of the demised shop from petitioner and thereafter, petitioner came to know that some litigation was pending between respondent and previous owner, namely, Santosh Kumari. In the same suit, petitioner also moved an application under Order 1 Rule 10 of Code of Civil Procedure, 1908, which was allowed. However, the Court directed owner of the demised premises to handover the possession of the demised shop to respondent/tenant and thereafter, she handed over the possession to him. It is further submitted that after having purchased the demised premises, she has become owner-cum-landlord of the same. After 09.03.2015 when respondent had taken over the possession of the shop in question back, petitioner approached him and demanded the rent @ Rs.5,000/- per month. Initially, respondent agreed to pay the rent to her but later on, he refused and now he is in arrears of rent from 09.03.2015 to 08.05.2015 @ Rs.5,000/- per month, which is the rent prevailing in the locality. It is further submitted that now



petitioner does not want to retain respondent as tenant in the demised premises as she requires the same for her bonafide personal necessity for starting the business of sale of mobile phones for her husband to earn their livelihood. The elder son of petitioner, namely, Sunil Kumar has already got him separated from the joint family about 10 years ago. Said Sunil Kumar is running a chemist shop in another shop owned by petitioner. With these averments, eviction of the respondent/tenant was sought on the ground of bonafide personal necessity of the husband of the petitioner and for non-payment of rent.

4. Respondent in his written statement challenged the petition preliminarily on the grounds of maintainability, locus standi, cause of action and suppression of true facts. It is submitted that petitioner never inducted respondent as tenant in the demised premises and infact, he was inducted as a tenant in November, 1998, by Smt. Santosh Kumari and respondent had been paying the rent to her. The rate of rent was Rs.1,200/- per month and subsequently, it was increased from time to time and presently, the rate of rent is Rs.2,000/- per month. Respondent thus denied the relationship of landlord and tenant with the petitioner. It is further submitted that vide order dated 21.01.2015, Court of Civil Judge (Junior Division), Karnal, directed Santosh Kumari owner of the demised premises and the present petitioner to handover the vacant possession to the respondent who had been forcibly dispossessed by Smt. Santosh Kumari in connivance with her husband and brother. In civil suit bearing No.61596 of 2013 under Section 6 of the Specific Relief Act, 1963, for restoration of his possession. FIR bearing No.357 of 2013 was also got registered in this regard and challan has been filed against Ajmer Singh who had sold the demised premises to the petitioner. It is further submitted that present petition has been filed with malafide



intention just to harass respondent/tenant and to pressurize him to withdraw the contempt petition filed against Smt. Santosh Kumari. It is also submitted that the sale deed dated 19.08.2013 in favour of petitioner is an invalid, illegal and a fraudulent document conveying no right or interest in her favour and on the basis of said sale deed, petitioner is not competent to seek his eviction as seller of the property was not having a title in the property. Rather, the sale deed in question was a sham transaction which was executed fraudulently by Ajmer Singh and Sudesh Rani with malafide intention to forcibly dispossess him. Dismissal of the rent petition was sought.

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

- “1. Whether the petitioner is entitled to an order evicting the respondent on the ground of non-payment of rent? OPP*
- 1-A. Whether there is relationship of landlord and tenant between the petitioner and respondent? OPP*
- 1-B. Whether the petitioner is entitled to an order evicting the respondent from the demised premises on the ground of personal necessity? OPP*
- 2. Whether the petitioner has no locus standi and cause of action to maintain the present petition? OPR*
- 3. Whether the petitioner has suppressed true and material facts while filing the instant petition? OPR*
- 4. Relief.”*

6. Both the parties led their respective evidence and after hearing the parties, the learned Rent Controller came to the conclusion that from sale deed dated 19.08.2013, it is established that petitioner is the owner-cum-landlord and respondent is a tenant in the demised premises. It was also held that the ground of personal necessity was proved as the petitioner's husband was unemployed.



Consequently, respondent/tenant was ordered to be evicted from the demised premises.

7. Aggrieved with the same, respondent/tenant preferred an appeal and the learned Appellate Authority dismissed the same vide judgment dated 09.12.2025. The Appellate Authority held that the petitioner has validly purchased the property and by virtue of Section 116 of the Evidence Act, 1872, a tenant has no right to deny the title of the owner. It was further held that the judgment dated 20.05.2023 passed in the suit under Section 6 of the Specific Relief Act, 1963, did not invalidate the eviction proceedings as it specifically dealt with forcible dispossession. The authority further affirmed that petitioner requires the demised premises for starting the business of her husband.

8. Feeling aggrieved, present revision petition has been instituted. I have heard learned counsel for both the parties and perused the material on file.

9. Learned counsel for the petitioner contended that the Rent Controller as well as the Appellate Authority have not appreciated the facts of the case and evidence on file in the correct perspective. The judgments passed by both the Courts below are based on conjectures and surmises. No relationship of landlord and tenant exists between the petitioner and respondent as he was inducted as a tenant by Santosh Kumari and not by the petitioner. The sale deed in favour of petitioner is a sham transaction as the property was sold by Ajmer Singh who was not the owner of the property. Learned counsel next contended that the judgments passed by the Rent Controller and the Appellate Authority are a result of non-application of judicial mind and they have failed to decide the material submissions raised by the petitioner. Learned counsel further contended that the plea of bonafide personal necessity raised by the petitioner-landlord is not



established from the evidence on file. Rather, from the evidence on file, it is established that the present petition was filed only with a view to get the demised premises vacated and a false plea of personal necessity has been taken. The element of need is not at all established from the evidence on file. The plea of the landlord that the premises is required for starting business of her husband for sale of mobile phones is neither natural nor sincere and as such, the need is not bonafide. Learned counsel lastly prayed that the impugned judgments be set aside and eviction petition be ordered to be dismissed. In support of his contentions, learned counsel relied upon 2004(2) HRR 524 **Vijay Lata Sharma vs. Raj Pal and Others**, 2014(1) RCR(Rent) 30 **Sandeep Kumar vs. Nihal Chand**, 1980 PLR 310 **Shri Beant Singh vs. Smt. Harbans Kaur**, 1969 PLR 177 **Prithi Raj vs. Hans Raj**, 2008(3) RCR(Civil) 278 **Satish Kumar vs. Shanti Devi and Others**, 2013(3) RCR(Civil) 588 **Sukhdev Singh and Others vs. Mohan Singh and Others**, 2011(4) RCR(Civil) 587 **Vaid Family Charitable Trust and Another vs. State of Haryana and Others**, 2002(1) RCR 574 **AVGP Chetilar and son vs. T. Palaniswamy Grounder**, 2002(2) RCJ 131 **Inder Pal Dua and Another vs. M/s Yash Garg & Co.**, 2006(2) RCR(Rent) 211 **Ravinder Pal Mohindra vs. Gurbachan Singh and Others**, 1979(1) AIR(RCJ) 580 **Mirkhan Nath Hekham vs. Kutub Ali Tayah Ali** and judgment of a Co-ordinate Bench of this Court decided on 20.05.2015 in CR No.2377 of 2014 titled **Jaswant Singh vs. Vijay Kumar Walia**.

10. On the other hand, learned counsel for the respondent argued that the judgments passed by the Rent Controller as well as the Appellate Authority are well reasoned and justified and facts of the case and material on file have been appreciated in the correct perspective while allowing the eviction petition and



impugned judgments does not call for any interference and he prayed that the petition in hand be dismissed. In support of his contentions, learned counsel relied upon 2022(2) RCR (Rent) 425 **Gopi @ Goverdhannath (d) by LRs. & Ors. vs. Sri Ballabh Vyas**, 2019(1) Law Herald 208 **Pardeep Kumar vs. Rajesh Bhanot and Another**, 2005(28) RCR(Civil) 782 **Smt. Shankaramma vs. Mr. Mohammed Abdul Hameed**, 2018(2) RCR(Rent) 484 **Rakesh Kumar Vs. Saroj Rani**, 2023 NCPHHC 115366 **M/s Madhu Bakers vs. Rakesh Kumar @ Cheeku Ram Dass**, 2025(2) PLR 599 **Bikram Singh vs. Mohinder Pal**, 2026 NCPHHC 6841 **Lalu Ram @ Lally Ram and Ors. vs. Anisha Modi and Ors.**, 2013(3) RCR(Civil) 584 **Vijay Kumar and Ors. vs. Harbhajan Singh and Ors.**, 2026 INSC 82 **Hemalatha (D) By LRs vs. Tukaram (D) By LRs. & Ors.**, 2025(1) RCR(Rent) 375 **Kanahaiya Lal vs. Md. Ehshan & Ors.**, 2025(1) RCR(Rent) 190 **M/s RD Sales Corporation and Another vs. Anoop Singh Gill and 2014(4) CivCC 491 Smt. Sheona vs. Smt. Maro and Others.**

11. After hearing learned counsel for both the parties and on going through the material on file, I am of the considered opinion that the petition in hand is liable to be dismissed for the reason discussed hereinafter and the case laws cited by the learned counsel for the petitioner are not at all applicable to facts of the case in hand.

12. It is an admitted fact that the respondent was inducted as a tenant in the demised premises by the previous owner, namely, Santosh Kumari, in the year 1998. The previous owner-cum-landlord of the respondent, namely, Santosh Kumari had agreed to sell the demised premises in favour of one Ajmer Singh vide agreement to sell dated 03.05.2013 and he was also authorized to execute the sale deed in favour of any person of his choice and on the basis of said agreement,



he executed the sale deed dated 19.08.2013 Ex.P1 in favour of petitioner-Sudesh Rani by virtue of which she became owner of the demised premises. As such, she stepped into the shoes of previous owner, namely, Santosh Kumari and became the owner-cum-landlord. The contention of the learned counsel for the respondent that no relationship of landlord and tenant exists between the petitioner and respondent as he was inducted as tenant by Santosh Kumari is without any substance. By way of a sale deed dated 19.08.2013, petitioner Sudesh Rani became owner of the demised premises. It is well settled that owner is always landlord and converse may not be true and once petitioner acquired ownership rights in the demised premises, she became landlord and the relationship of landlord and tenant came into existence. Even the previous owner, namely, Santosh Kumari has not disputed the fact that property has been sold by her. Said facts were pleaded by Santosh Kumari in the civil suit bearing No.61596 of 2013 filed under Section 6 of the Specific Relief Act, 1963, in her written statement Ex.RW2/2. Even in the sale deed Ex.P1, there is a recital that Santosh Kumari had firstly received the entire sale consideration of Rs.30,00,000/- through cheques from Ajmer Singh and had handed over the possession of the demised premises to Ajmer Singh and thereafter, it was sold by Santosh Kumari to Sudesh Rani. In addition to this, as per Section 116 of the Indian Evidence Act, a tenant has no right to deny title of the owner as also held by Hon'ble Supreme Court in 1994(4) SCC 250 **Smt. Anar Devi Vs. Nathu Ram**. Learned Rent Controller as well as learned Appellate Court have thus rightly come to the conclusion that relationship of landlord and tenant came into existence between the petitioner and respondent after petitioner purchased the demised premises from the previous owner, namely, Santosh Kumari.



13. So far as the ground of personal necessity is concerned, it is well settled that landlord is the best judge of his own requirement and a tenant cannot dictate him the way how to live and it is for the landlord to see as to what accommodation is needed by him and his family members. However, there must be an element of need as opposed to a mere desire or wish. Requirement must be an outcome of a sincere and honest desire, in contradistinction with a mere pretense or pretext to evict a tenant. The only way to determine the existence of ground of bonafide personal necessity is that the judge should place himself in the armchair of the landlord and then pose a question to himself whether in the given facts, substantiated by the landlord, the need to occupy the premises can be said to be natural, real, sincere and honest and if the answer is in the positive, the need is bonafide. Reference in this regard can be made to 2004(2) RCR-436 (SC) **Pratap Rai Tanwani Vs. Uttam Chand**.

14. Coming to the facts of the case in hand, stand of petitioner/landlord in the pleadings as well as while appearing as PW1 is that she needs the demised premises to enable her husband to start the business of sale of mobile phones. She owns another shop but her son Sunil Kumar is running a chemist shop in that shop for the last 10 years and that she does not have any other shop in the urban area concerned. She requested respondent to vacate the demised premises but he refused.

15. Stand of respondent/tenant is that the present petition has been instituted with malafide intention and an ulterior motive just out of greed as rents have increased in the vicinity. However, nothing favourable could be extracted by the respondent during cross-examination of petitioner to show that her need was not bonafide or that she owned some other shops in the urban area concerned or



that she has vacated any such building without sufficient cause after commencement of 1949 Act. As such, there is no reason to discard the version of petitioner that she requires the demised premises for starting the business of her husband. It is well settled that landlord is the best judge of her needs and a tenant cannot be allowed to dictate to her the way how to live. In 2011(1) RCR(Rent) 160 **M/S. Satpal Vijay Kumar Vs. Sushil Kumar**, it has been held that when eviction is sought on the ground of bonafide need, the Rent Controller shall not proceed on the assumption that requirement is not bonafide. If landlord states that he needs the demised shop for establishment of new business or to extend the business, his need should always be presumed as correct and genuine. As such, the bonafide need as pleaded by petitioner cannot be doubted particularly when respondent has failed to lead any evidence to show that claim of landlord is malafide or that there is no element of need and it is a mere desire or wish.

16. In addition to it, no evidence has been led by respondent/tenant to show that petitioner owns some other similar property in the urban area concerned or has vacated the same after commencement of 1949 Act without sufficient cause. As such, learned Rent Controller and the Appellate Authority has appreciated the pleadings and the evidence on file in the correct perspective while coming to the conclusion that petitioner/landlord requires the demised premises for her bonafide need for starting a business for her husband. No other reasonable finding could have been arrived at from the evidence on file and the impugned judgments thus do not suffer from any manifest error or illegality and the law has also been rightly applied. The case law cited by learned counsel for the petitioner is not at all applicable to the facts of the case in hand. Resultantly, no interference in the impugned judgments passed by the learned Rent Controller, Karnal and the



Appellate Authority, Karnal is called for and petition in hand is liable to be dismissed.

17. As a result of aforesaid discussion, the petition in hand is ordered to be dismissed. However, respondent-tenant is granted two months' time to vacate the demised premises from today subject to clearing the entire arrears of rent within 15 days.

18. Pending miscellaneous application(s), if any, shall also stand disposed of.

29.05.2026
Vishal Vardhan

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No