



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2112-2026

Date of Decision: 06.03.2026

MOHINDER PAUL BHARDWAJ

..... Petitioner

Versus

SITA RAM DHINGRA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Naresh Kaushik, Advocate with
Mr. Mahesh Inder Preet, Advocate
for the petitioner.

YASHVIR SINGH RATHOR, J. (Oral)

1. This revision petition is directed against the concurrent findings of the learned Rent Controller and the Appellate Authority, vide which the petitioner/tenant (**hereinafter referred to as the respondent**) has been ordered to be evicted from the demised premises in a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (**hereinafter referred to as the Act**), instituted by the respondents/landlords (**hereinafter referred to as the petitioners**) in Rent Petition No. RENT/2/2019 titled “*Sita Ram Dhingra and another Vs. Mohinder Paul Bhardwaj*”, vide judgments dated 03.02.2023 and 02.02.2026 respectively.

2. I have heard learned counsel for the petitioner/tenant and have gone through the material placed on the file.

3. Case of the petitioners/landlords is that they are owners-



cum-landlords of the demised shop in which the respondent was inducted as a tenant about 40 years ago and presently, the rate of rent is Rs.1400/- per month. Petitioner No.1–Sita Ram Dhingra wants to get the shop vacated in question for starting his own business and he also needs the same to settle Sushant Sethi, who is the son of his divorced daughter Pooja Dhingra and petitioner No.2 has also no objection in this regard. Eviction of respondent was sought on the ground that the demised shop is required by the petitioners for their personal use and occupation as well as for the personal use and occupation of Sushant Sethi, maternal grandson of petitioner No.1.

4. Respondent in his reply admitted the relationship of landlord and tenant but took a plea that it is petitioner No.1 who is the owner-cum-landlord and petitioner No.2 has nothing to do with the demised premises. Petitioner No.1 had earlier filed an ejectment petition against one Vijay Kumar which was dismissed by the Rent Controller vide order dated 24.05.2002 and the appeal filed by petitioner No.1 was also dismissed by the Appellate Authority vide judgment dated 19.12.2003. The Appellate Authority held that petitioner No.1 was the owner of three shops including the shop in dispute and he has concealed the fact that the other two shops, except the shop in dispute, were lying vacant.

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

1. *Whether respondent is liable to be evicted from the property in dispute on account of arrears of rent and house tax? OPP*

2. *Whether respondent is liable to be evicted from the demised premises on account of personal use and*



occupation of the petitioner? OPP

3. *Whether the respondent is liable to be evicted from the property in dispute on account of being in continuous source of nuisance? OPP*

4. *Whether the respondent is not a qualified doctor and is not entitled to run a clinic in the property in dispute? OPP*

5. *Whether the present petition is bad for misjoinder of necessary parties? OPR*

6. *Whether the petitioner has not come to the court with clean hands and has suppressed the true and material facts from the court? OPR*

7. *Relief.*

6. Both the parties led their respective evidence and after hearing the parties, the learned Rent Controller came to the conclusion that petitioner No.1 requires the demised shop for starting his own business as well as to settle his maternal grandson Sushant Sethi. It was also held that a relationship of landlord and tenant exists between the parties and as per the judgment passed by Lok Adalat Ex.P-4, the entire property has been partitioned between the petitioners and the present petition has been filed by both of them against the respondent. It was also held that the respondent has failed to prove that petitioners own some other shop which is lying vacant and ordered eviction of the respondent from the demised premises vide judgment dated 03.02.2023.

7. Feeling aggrieved, the tenant preferred an appeal and the learned Appellate Authority has also dismissed the same vide judgment dated 02.02.2026 and the relevant portion/observations of the Appellate Authority are reproduced as under:-



“14. So far as findings of learned Rent Controller about petitioner no.1 having proved his bonafide need to occupy the demised shop is concerned, no fault can again be found in the same. Admittedly, petitioner no.1 is a landlord and respondent Mohinder Paul Bhardwaj is a tenant. Rent agreement Ex.P2 stood executed between them. Petitioner no.1 came before learned Rent Controller by way of current lis that he needs this shop for his personal use and occupation and also for his grandson Sushant Sethi. Much is argued on behalf of tenant that Sushant Sethi did not fall within the definition of “Family”. He however could not deny that as per pleadings petitioner no.1 also intends to occupy this shop. In that backdrop the plea about Sushant Sethi loses much relevance. Judgment Joginder Pal Vs. Naval Kishore Behal (Supra) relied upon by tenant regarding the definition of “Family” would make no difference to the claim of landlord. Moreover, a tenant also cannot foist upon his landlord that latter could satisfy his need by occupying some other property. In this regard above cited judgments Anil Kumar (D) & Ors Vs P.R.Aggarwal @ Paras Ram (D) and Rajesh Kumar @ Baba and another Vs. Amit Kumar can be referred to. In former judgment Hon’ble Apex Court has held that landlord is best judge to decide the extent of accommodation required to satisfy their bonafide need and courts should not interfere unless the need is disproved by cogent evidence. In latter judgment our Hon’ble High Court has held that it is not within the purview of a tenant to dictate as to which shop or area would be suitable for landlord to run his business.”

8. 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.*

9. In the present case, the Rent Controller as well as the Appellate Authority have arrived at a concurrent finding that the demised premises is required by petitioner No.1 for starting his own business as well as for settling his maternal grandson Sushant Sethi, who is the son of his divorced daughter Pooja Dhingra. Nothing could be shown by the respondent/tenant that the need of the landlord was not bonafide or that he owns some other shop in the Urban Area concerned or that he has got the same vacated without sufficient cause. It is well settled that the landlord is the best judge of his needs and a tenant cannot be allowed to dictate to him 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 the requirement is not bonafide.

If the landlord states that he needs the demised shop for establishment of



his business or to extend the business, his need should always be presumed as correct and genuine. As such, the bonafide need as pleaded by the petitioners cannot be doubted, particularly when the respondent has failed to lead any evidence to show that the claim of the landlords is malafide or that there is no element of need and it is a mere desire or wish.

10. Learned Rent Controller, thus, appreciated the pleadings and evidence on the file in the correct perspective while coming to the conclusion that the landlords require the demised premises for their own bonafide need and the finding of the Rent Controller has been affirmed by the learned Appellate Authority. 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. No interference in the impugned judgments passed by the Rent Controller and the Appellate Authority is called for and the revision petition deserves to be dismissed.

11. As a result of the aforesaid discussion, the revision petition is ordered to be dismissed. However, the petitioner/tenant is granted two months’ time to vacate the demised premises from today, subject to payment of the entire arrears of rent/mesne profits within 15 days.

(YASHVIR SINGH RATHOR)
JUDGE

06.03.2026
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No