

2026.PHHC.065413



183

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-3570-2026

Date of Decision: April 29, 2026

SATNAM SINGH

.....Petitioner

Versus

SWARAN KAUR (SINCE DECEASED) THR HER LEGAL HEIRS AND
ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vijay Rana, Advocate for the petitioner.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been laid to the orders dated 28.02.2020 and 21.02.2026 passed by the authorities below whereby, an eviction petition preferred at the instance of respondents-landowners qua the demised shop against the petitioner-tenant has been allowed.

2. Briefly stating, the respondents being landowners preferred an eviction petition against the petitioner-tenant in respect of the demised shop situated near Lamapind Chowk, Hoshiarpur Road, Jalandhar (as described in the eviction petition). Eviction was sought for on the ground of arrears of rent as well as personal bona-fide requirement of the respondents-landlords, as they intended to start a showroom of readymade clothes therein. Upon notice, the petitioner-tenant appeared and tendered the arrears of rent, however, disputed the *bona fide* need of the respondents-landlords with respect to the demised shop. The learned Rent Controller, vide its decision dated 28.02.2020, ordered eviction of the petitioner from the demised shop, upon recording that the same was

required by the respondents-landlords for their personal use to establish a showroom of readymade clothes.

3. Aggrieved thereof, the petitioner-tenant preferred First Appeal, however, the same was also dismissed by the learned Appellate Authority at Jalandhar vide order dated 21.02.2026. Still aggrieved, the present revision petition has been preferred.

4. While referring to the contents of Para 1 of the eviction petition, learned counsel for the petitioner submits that the eviction petition was preferred on account of *bona fide* need of respondent No. 3, who was a minor at the time of filing of the same, however, now having shifted to Australia his bona fide need no longer exists and as such, the eviction petition was liable to be dismissed. While referring to the site plan produced on record as Exhibit P1, he also contends that the respondents-landlords own four shops out of which shop described as A1 in the site plan is already in occupation of the respondents-landlords; shop shown in red is in occupation of the present petitioner; whereas shop No. 3 has been in occupation of Vijay Kumar, etc., and shop No. 4 stood vacated by the tenant-Dr. Sharma and as such, the respondents-landlords could have started their business in shops A1 and A3 rather than seeking eviction of the petitioner from the shop shown as red in the site plan. He thus submits that the bona-fide need of the respondents was not made out in the given facts. No other argument has been addressed.

5. I have heard learned counsel for the petitioner and gone through the paper book.

6. A perusal of the eviction petition shows that prayer for eviction made by petitioner-tenant was based on the *bona fide* need of all the respondents and not solely qua that of respondent No. 3. In such circumstances, mere fact that with the passage of time after filing of eviction petition, which was way back in the year 2017, respondent No. 3 who upon attaining the age of majority, had gone to Australia cannot be a cause to non-suit respondents- tenants. More particularly when the adjudication of the eviction petition has to be based on the cause of action set up as on the date of filing of the same i.e in the year 2017. Even otherwise, respondent No. 3 could not reasonably have been expected to remain idle during the entire period in which the eviction petition, instituted at his instance along with other co-owners, remained pending adjudication before the competent rent authorities.

7. Moreover, the eviction petition is required to be adjudicated on the basis of the cause of action as it existed on the date of its institution, and subsequent developments cannot ordinarily be permitted to defeat or alter the rights that was crystallized in favour of the landlord at the time of filing, as reiterated by the Hon'ble Supreme Court **"Maria Martins vs. Noel Zuzarte and others"** reported as **2026 INSC 376**.

Relevant para 8 thereof is reproduced hereunder:-

"8. In this context, we are also guided by the principle laid down by this Court in Maganlal son of Kishanlal Godha v. Nanasaheb son of Udhaorao Gadewar CA No.6125/2008 decided on 16.10.2008. While dealing with a landlord-tenant dispute, it was held that the adjudication of bonafide need should be done as on the date when the suit for eviction was filed, unless some subsequent event materially changes the ground of relief. It was further held that subsequent events may be considered to have overshadowed the genuineness of the landlord's requirement only if they are of such nature and dimension as to make it lose its significance altogether. This Court observed as under:

*"17. In **Pratap Rai Tanwani v. Uttam Chand** [(2004) 8 SCC 490], it was held that the bona fide requirement of the landlord has to be seen on the date of the petition and the subsequent events intervening due to protracted litigation will not be relevant. It was held that the crucial date is the date of petition; therefore, the normal rule is that the rights and obligations of the parties are to be determined on the date of petition and that subsequent events can be taken into consideration for moulding the reliefs, provided such events had a material impact on those rights and obligations. It was further observed that it is stark reality that the longer is the life of the litigation the more would be the number of developments sprouting up during the long interregnum. Therefore, the courts have to take a very pragmatic approach of the matter. It is common experience in our country that especially landlord-tenant litigation's prolong for a long time. It is true that neither can the person who has started the litigation sit idle nor can the development of the event be stopped by him. Therefore, the crucial event should be taken as on the date when the suit for eviction was filed, unless the subsequent events materially change the ground of relief.*

*18. In the case of **Gaya Prasad v. Pradeep Srivastava** [(2001) 2 SCC 604], this Court held that the landlord should not be penalised for the slowness of the legal system and the crucial date for deciding the facts of the requirement of the landlord is the date of his application for eviction. It is also observed that the process of litigation cannot be made the basis for denying the landlord relief unless the litigation at least reaches the final stages. However, it is further added that subsequent events may, in some situations, be considered to have overshadowed the genuineness of the landlords' needs but only if they are of such nature and dimension as to completely eclipse such need and make it lose the significance altogether."*

In the light of above discussion, the High Court failed to consider whether the subsequent event as urged by the defendants had material bearing on the right claimed by the plaintiffs. It has to be borne in mind that the Trial Court had passed a decree for eviction on the basis of the evidence on record which was reversed by the Appellate Court. It was, therefore, necessary for the High Court to have taken into consideration the entire material available on record including the affidavit dated 12th April 2023. Thus, by failing to do so, the High Court failed to exercise jurisdiction vested in it while deciding the challenge to the reversal of the decree for eviction. We, therefore, find that the order passed by the High Court deserves interference.

8. Similarly, no merit can be found with the other submission made by learned counsel for the petitioner as perusal of site plan Ex. P1 (page 88 of the present paper book), read in conjunction with the eviction petition, shows that the respondents-landlords intend to set up their business in two shops, i.e., the one shown in red color being possessed by the present petitioner-tenant and the second one being shop described as A-2 in the site plan, which are abutting and adjoining. The shops marked A-1 and A-3, being situated at two different ends, cannot practically be combined into a single unit to serve the intended purpose. On the other hand, the shops in question (red and A-2) are adjoining and can conveniently be utilized as a single premises for the proposed showrooms.

9. In such circumstances, there is no merit in the submissions made on behalf of the petitioner. Moreover, both the authorities below have recorded concurrent findings of fact to the effect that the demised premises is required for personal *bona fide* need of the respondents-landlords, who intend to set up their own business of showroom of a readymade clothes and also it has been established that they are not doing any other business.

10. In view of the detailed discussion made hereinabove, no interference is called for *qua* the order passed by the Authorities below, and the present petition is thus, dismissed.

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

29.04.2026
Tejwinder

(HARKESH MANUJA)
JUDGE

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