



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-4055-2026

Date of decision: 14.05.2026

Ram Bilas (deceased) through legal heirs

. . . . Petitioner

Vs.

Ashutosh Sharma

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Rahul Deswal , Advocate, for the petitioner.

DEEPAK GUPTA, J.

The present revision petition has been filed by the tenant assailing the judgment dated 27.02.2026 passed by learned Appellate Authority, Jind, whereby the appeal preferred against the ejectment order dated 26.10.2018 passed by learned Rent Controller, Jind was dismissed and the order of eviction was affirmed.

2. Briefly stated, the respondent-landlord had instituted an ejectment petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 seeking eviction of the petitioner-tenant from the demised shop situated at Janta Bazaar, Jind on the grounds of arrears of rent, change of user and bona fide personal necessity. The case of the landlord was that the demised premises were required by him for starting his own business of sale and supply of cleaning products.

3. The tenant contested the petition primarily by disputing the bona fide requirement and by alleging that the family of the landlord possessed several other commercial properties.

4. Upon appreciation of oral as well as documentary evidence, learned Rent Controller allowed the ejectment petition on the ground of bona fide personal necessity. The appeal preferred by the tenant has also been

dismissed by learned Appellate Authority after detailed consideration of the entire material available on record.

5. Learned counsel for the petitioner has argued that the courts below have misread the evidence while recording findings regarding bona fide necessity. It is contended that the landlord and his family own several other shops and, therefore, the requirement projected by the landlord is not genuine. It has further been argued that the landlord is financially well settled and there was no real necessity for him to start any independent business.

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

7. The scope of revisional jurisdiction under the Rent Act is limited. Concurrent findings of fact recorded by the courts below are not to be interfered with unless shown to be suffering from patent illegality, perversity or material misreading of evidence. In the present case, both the learned Rent Controller as well as the learned Appellate Authority have, after elaborate discussion of the evidence, concurrently held that the requirement projected by the respondent-landlord is bona fide.

8. The learned Appellate Authority has rightly noticed that the relationship of landlord and tenant stood duly established from the documentary evidence as well as admissions suffered by the petitioner himself. It has specifically been noticed that notices regarding transfer of ownership/landlordship in favour of the respondent-landlord had been issued to the tenant and even rent had been tendered to the respondent during pendency of the proceedings.

9. The contention regarding availability of alternative accommodation has also been thoroughly examined by the courts below. The petitioner failed to produce any cogent evidence establishing that the respondent-landlord was in possession of any vacant commercial premises suitable for the business sought to be commenced by him. Mere bald allegations regarding ownership of several shops by family members cannot defeat the bona fide requirement of the landlord.

10. It is by now well settled that the landlord is the best judge of his requirement and the tenant cannot dictate as to how and in what manner the landlord should utilize his property. The argument that the landlord is financially affluent and, therefore, should not be permitted to start business is wholly untenable and has rightly been rejected by the learned Appellate Authority.

11. This Court does not find any perversity, illegality or jurisdictional error in the concurrent findings recorded by the courts below warranting interference in exercise of revisional jurisdiction. The impugned judgments are based upon proper appreciation of evidence and settled principles of law.

12. Consequently, the present revision petition being devoid of merit is dismissed.

13. Faced with the aforesaid circumstances, learned counsel for the petitioner prays for a period of six months so as to vacate the demised premises. The said request is declined. It is noticed that the ejectment petition had been filed way back in the year 2015. The ejectment order was passed by learned Rent Controller in October 2018. The appeal was filed in November 2018 and the same has been dismissed in February 2026. Thus, the petitioner herein has already enjoyed possession of the demised shop for approximately 11 years since the filing of the ejectment petition and, therefore, cannot be granted a further period of six months as sought.

14. Still, in the interest of justice, the petitioner is permitted to vacate the demised shop on or before 30.09.2026 subject to the condition that he shall clear all arrears, if any, within a period of two weeks positively from today. Thereafter, he shall continue to pay user charges/mesne profits at the same rate, at which the last rent was being paid, by the first day of every month till September 2026.

15. It is further made clear that in case the petitioner fails to vacate the demised shop on or before 30.09.2026, he shall be liable to pay user charges/mesne profits @ ₹50,000/- per month with effect from 01.10.2026

onwards till actual vacant possession of the demised shop is handed over to the respondent-landlord.

16. Disposed of in above terms.

14.05.2026

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>