



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(113)

CR-6146-2025 (O&M)
Date of Decision:-**21.01.2026**

BACHITTAR SINGH ALIAS BACHITAR SINGH SADANA AND ANOTHER

... Petitioners

Versus

ROSHANI DEVI

... Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Jagdish Manchanda, Senior Advocate with
Ms. Nischal Manchanda, Advocate;
Mr. Vipul Thakur, Advocate;
Mr. Jatin Sardana, Advocate and
Ms. Devyanshi, Advocate for the petitioners.

VIRINDER AGGARWAL, J. (Oral)

1. The present petition invokes the supervisory jurisdiction of this Court to assail the concurrent findings rendered by the learned Rent Controller vide order dated 02.08.2024 and affirmed by the learned Appellate Authority vide judgment dated 08.08.2025, whereby the petitioners-tenants have been directed to vacate the tenanted shop premises bearing Municipal ID No. HSMCW0500412 (Old No.404), Ward No.8, near Durga Mandir, Shahabad, solely on the ground of the respondent-landlady's alleged *bona fide* requirement.

2. The eviction proceedings were instituted by the respondent-landlady seeking the ejectment of the petitioners from the aforesaid shop premises, alleging as under:-

(i) non-payment of rent with effect from 01.01.2017; and



- (ii) her purported *bona fide* requirement of the premises for establishing a cosmetics, artificial jewellery, and gift business for her son, Sourabh Saini.

2.1. It was averred that the petitioners are tenants in occupation of the demised premises at a monthly rent of ₹2,200/-, as shown in red in the site plan appended with the eviction petition.

3. Upon service of notice, the petitioner/respondent entered appearance and filed their written statement, raising preliminary objections, inter alia, regarding suppression of material facts, maintainability of the petition, lack of locus standi, estoppel, and the vexatious and frivolous nature of the proceedings.

3.1. The learned Rent Controller, however, vide order dated 02.08.2024, allowed the eviction petition and directed the petitioners to hand over vacant possession of the premises in question. Aggrieved thereby, the petitioners preferred an appeal before the learned Appellate Authority under the Rent Act. The said appeal stood dismissed vide judgment dated 08.08.2025, thereby upholding the order of ejection.

3.2. It is respectfully submitted that the respondent-landlady's claim of arrears of rent is patently misconceived, inasmuch as the petitioners have been continuously tendering and paying rent since 1989 and are not in arrears of any amount. Significantly, the respondent herself did not press the ground of non-payment of rent during the course of arguments before the learned Courts below. The eviction, therefore, rests entirely on the alleged personal necessity, which the petitioners submit is neither *bona fide* nor substantiated by cogent evidence.



3.3. In these circumstances, the impugned orders dated 02.08.2024 and 08.08.2025 suffer from manifest illegality, jurisdictional error, and misappreciation of material on record, rendering them liable to be quashed. Hence, the present petition is being instituted.

4. Commencing his submissions with considerable emphasis, learned counsel for the petitioner contends that both the Authorities below have failed to appreciate the fundamental infirmity underlying the respondent–landlady’s claim of bona fide requirement. It is urged that the respondent has deliberately suppressed material particulars relating to the substantial commercial accommodation already available to her and her family members. Counsel draws attention to the evidence on record demonstrating that Saurabh Saini, son of the respondent–landlady, is actively engaged in assisting his father in an already operational showroom, from which the family conducts multiple commercial ventures, including the business of cloth merchandising, general store operations, artificial jewellery, and cosmetics etc..

4.1. He further submits that the respondent’s family is in possession of multiple commercial establishments, including a showroom bearing Municipal ID No. HSMCW0600789 situated at Devi Mandir Road, as well as another commercial property bearing Municipal ID No. HSMCW0600449 located at Khazoor Wali Gali (also known as Khazoor Colony), Shahabad Markanda. According to counsel, these properties, along with other sizeable commercial holdings in and around Shahabad Markanda, amply demonstrate that the respondent–landlady and her family already possess more than adequate accommodation for their stated commercial pursuits. The non-disclosure of these properties, it is argued, constitutes a



material suppression and fatally undermines the assertion of bona fide necessity.

4.2. In view of the above, it is submitted that the Authorities below erred in overlooking these crucial considerations, thereby rendering their findings vulnerable to interference, as the plea of bona fide requirement stands wholly unsubstantiated and legally unsustainable.

5. At this stage, when queried by the Court as to whether the petitioner herself owns any alternative commercial accommodation, learned counsel for the petitioner conceded that, apart from the tenanted premises, a shop bearing Municipal ID No. HSMCW0500412 (old No. 404) stands in the petitioner's name. However, the record unmistakably establishes that the said premises is not vacant but is, in fact, presently being utilized by her son, Gaurav, for carrying on his independent business activities. In contrast, the properties heavily relied upon by the petitioner to impeach the respondent-landlady's bona fide requirement namely those bearing Municipal ID Nos. HSMCW06006449, HSMCW0700117 situated at Ladwa Road, Shahabad Markanda, as well as Municipal ID No. HSMCW0600789 are demonstrably owned by Naresh Kumar and not by the respondent-landlady. The learned Appellate Authority has, after a meticulous evaluation of the documentary evidence, already dealt with this aspect in comprehensive detail and rightly rejected the petitioner's assertions.

5.1. Having thus clarified the factual misapprehensions sought to be projected by the petitioner, it becomes necessary to advert to the statutory framework governing *bona fide* personal requirement. The conditions that the landlady is mandated to satisfy for seeking eviction on the ground of



personal necessity are encapsulated in Section 13(3)(a), which is reproduced hereunder for ready reference:-

“(3)(a) A landlord may apply to the Controller for an order directing the tenant to put the landlord in possession-

(i) In the case of a residential 2building if-

(a) He requires it for his own occupation;

(b) He is not occupying another residential building, in the urban area concerned; and

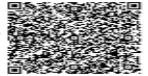
(c) He has not vacated such a building without sufficient cause after the commencement of this Act, in the said urban area; 3[(d) it was let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and the tenant has ceased, whether before or after the commencement of this Act, to be in such service or employment:

Provided that where the tenant is workman who has been discharged or dismissed by the landlord from his service or employment in contravention of the provisions of the Industrial Disputes Act, 1947, he shall not be liable to be evicted until the competent authority under that Act confirms the order of discharge or dismissal made against him by the landlord;”

➤ ***Requirement of law is that the landlord in his own right should have not been possessed of any other suitable property, which is not in the present case.***

6. In light of the foregoing discussion, it stands conclusively established that the petitioner has failed to demonstrate that the respondent—landlady owns any alternative suitable commercial accommodation or that she has suppressed any such material fact. The allegation of concealment, therefore, remains wholly unsubstantiated.

6.1. With respect to the contention that Sourabh Saini, son of the petitioner, is already assisting his father in an existing business, it is well-



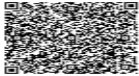
settled that the mere involvement of a family member in a joint enterprise does not foreclose his legitimate aspiration to commence an independent vocation. The law does not compel a landlady or her dependent to remain confined to an existing arrangement, nor does it stigmatize the desire for commercial autonomy or expansion as fanciful and whimsical, or mala fide.

6.2. If the landlady's son proposes to establish his own independent business, the requirement of the respondent-landlady to secure possession of the tenanted premises for that purpose cannot, by any measure, be characterized as artificial or contrived. On the contrary, such a requirement squarely satisfies the test of bona fide necessity as envisaged under the statute, the landlady seeking eviction not for an ulterior motive but to enable her son to commence his independent livelihood with dignity and stability.

7. In view of the foregoing analysis and upon a comprehensive appraisal of the material on record, this Court finds no perversity, patent illegality, or jurisdictional infirmity in the impugned orders that would warrant the exercise of its revisional jurisdiction. Consequently, the present petition is devoid of merit and stands dismissed.

7.1. The judgment and order passed by the learned Appellate Authority are hereby affirmed in toto, and the petitioner is directed to deliver vacant and peaceful possession of the demised premises to the respondent-landlady within a period of '**one month**' from today.

8. It is, however, clarified that the observations recorded here-in-above are not intended, and shall not be construed, as an expression of opinion on the merits of the underlying dispute. All such observations are confined solely to the adjudication of the present issue and are limited to the scope of the controversy examined for the purposes of this order. Nothing



stated herein shall prejudice or influence the rights, claims, or contentions of any party in any other proceeding, nor shall it be treated as a determination of any substantive question of fact or law in the main matter.

8.1 In view of the fact that the principal matter stands finally adjudicated, all pending miscellaneous applications, if any, also stand disposed of accordingly. No further orders are required to be passed in that regard.

21.01.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

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