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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-8168-2025****Reserved on: 12.01.2026****Pronounced on: 31.01.2026****Uploaded on: 02.02.2026****RAVINDER PAL****...Petitioner****Vs.****HARMINDER SINGH AND OTHERS****...Respondents****CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Anmol Ratan Sidhu, Senior Advocate, (Through V.C) and
Mr. Kanishk Swaroop, Advocate, in person
for the petitioner.

Mr. Narinder Kumar Vadhera, Advocate,
for the caveators/respondents.

VIRINDER AGGARWAL, J. (Oral)

1. The present Civil Revision Petition has been filed under Article 227 of Constitution of India for setting aside the impugned order dated 03.10.2025 (Annexure P-12) passed by the Appellate Authority, Ludhiana and Impugned Orders dated 09.10.2023 and 01.09.2023 (Annexures P-7 & P-5) passed by Rent Authority in Rent Petition under Section 24(3) Punjab Rent Act, 1995, whereby application of petitioner/tenant seeking leave to contest under section 38(7)(b) of Rent Act and a subsequent review has been dismissed and eviction of the petitioner has been ordered.

2. Learned senior counsel appearing on behalf of the petitioner contends that the father of the petitioner, namely Pyare Lal, was inducted as a tenant in respect of four shops by Amarjit Singh at a monthly rent of ₹1,700/-. Amarjit Singh passed away on 27.01.2005, leaving behind respondent Nos. 1 and 2 as his legal heirs. On 25.02.2020, respondent Nos. 1 and 2 filed a



petition under Section 24(3) of the Punjab Rent Act, 1995, seeking ejectment of the petitioner on the ground of *bona fide* personal requirement, asserting that they intend to permanently settle at Ludhiana. The petitioner, in response, filed an application under Section 38(7)(b) of the Act seeking leave to contest the said eviction petition before the Rent Authority. However, the said application was dismissed vide order dated 01.09.2023. The review petition preferred by the petitioner was also dismissed vide order dated 09.10.2023. Thereafter, the appeal filed by the petitioner was dismissed vide order dated 03.10.2025. Aggrieved by the aforesaid orders, the petitioner has preferred the present revision petition.

3. The petition has been duly contested by the respondents, who, after filing a caveat, have put in appearance through their counsel and opposed the maintainability as well as the merits of the petition.

4. I have heard counsel for the parties and have gone through the file carefully.

5. Learned counsel for the petitioner contended that the impugned orders passed by the learned Rent Authorities are not sustainable in the eyes of law. It was argued that the authorities below failed to consider the material fact that respondent Nos. 1 and 2 are already in possession of three other vacant shops as well as a vacant area situated behind the said shops. Despite availability of such alternative accommodation, the respondents neither own nor conduct any business, thereby rendering their alleged requirement wholly unjustified and not genuine.

6 It was further contended that respondent Nos. 1 and 2 have not returned to India and have no immediate intention to do so. Learned counsel



asserted that the respondents cannot be treated as Non-Resident Indians merely on the ground that they are holders of Canadian passports. It was also argued that the learned authorities failed to appreciate that the petitioner has been in continuous possession of the disputed premises for more than 43 years. According to the petitioner, the alleged requirement of the respondents is not *bona fide* but merely a wishful desire aimed at securing eviction of the petitioner from the premises. On these grounds, it was prayed that the present revision petition be allowed and the impugned orders be set aside.

7. Per contra, learned counsel appearing for the respondents submitted that there is no illegality or infirmity in the impugned orders or in the pleadings as appreciated by the learned Rent Authorities. It was contended that the application for leave to contest was rightly dismissed, as the respondents qualify as NRIs and have expressed their intention to shift to India permanently and to start a business of their own in the shops in dispute, along with the other vacant shop available with them. Learned counsel further argued that the requirement of the respondents has rightly been held to be *bona fide* and that the tenant is not entitled to challenge the genuineness of such need once the statutory ingredients are satisfied. It was also submitted that the petitioner cannot deny the relationship of landlord and tenant between the parties. On these premises, dismissal of the revision petition was prayed for.

8. So far as the relationship of landlord and tenant between the parties is concerned, the same is not in dispute. It is an admitted position that the petitioner had earlier filed a civil suit titled *Ravinder Pal Singh v. Harminder Singh and others*, wherein the petitioner categorically admitted



that the respondents are the landlords of the property in question, having derived ownership from their father, from whom the father of the petitioner had originally taken the premises on rent. Thus, the existence of a landlord-tenant relationship between the parties stands conclusively established.

9. With regard to the contention raised by the petitioner that the respondents are not NRIs, the same is also devoid of merit. It is not denied that the respondents are persons of Indian origin settled in Canada. This Court, in ***CR-2374-2017, Pardeep Kumar v. Bela Singh and another, 2017:PHHC:035659***, decided on 17.04.2017, has held that a landlord of Indian origin holding a foreign passport, including that of Hong Kong or the United Kingdom, falls within the definition of an NRI. It was further held that an NRI is a person of Indian origin who is either permanently or temporarily settled outside India for business or any other purpose. Applying the said ratio, the respondents clearly fall within the definition of NRIs under the Punjab Rent Act.

10. Learned counsel for the petitioner further contended that both the authorities below committed an error in declining the application for leave to contest on the ground that the eviction petition had been filed by the respondents through a Power of Attorney and that they had not returned to India. It was submitted that the said approach is legally unsustainable. However, it is now well settled that for the purposes of Section 24 of the Punjab Rent Act, 1995, a landlord is not required to physically return to India prior to filing an eviction petition. Both the authorities have, therefore, rightly held that an eviction petition filed through a duly constituted Power of Attorney is maintainable even if the landlords have not returned to India.



11. Learned counsel for the petitioner further argued that in the application seeking leave to contest, the petitioner had specifically pleaded that out of the seven shops owned by the respondents, vacant possession of three shops, as well as vacant area situated behind all the seven shops, is already available with the respondents. Despite availability of such premises, the respondents have not commenced any business therein. According to learned counsel, this clearly amounts to misuse of the provisions of the Act, and in such circumstances, leave to contest ought to have been granted. In support of his submissions, learned counsel placed reliance upon the judgment rendered by the Division Bench of this Court in *K.G.P. Pillai v. Subhash Chander Pathania*, 1990(2) RCR (Rent) 386. In the said case, arising out of a petition under Section 13-A of the East Punjab Urban Rent Restriction Act, the tenant had sought leave to contest on the ground that the landlord's requirement for additional accommodation was not bona fide. This Court held that where the landlord is already in occupation of certain accommodation, the issue regarding suitability and *bona fides* of the additional accommodation sought can be effectively adjudicated only if leave to contest is granted. The relevant observations, as contained in paragraph 4 of the judgment, are reproduced hereunder:

“In such a situation, when the landlord is already in occupation of certain accommodation in the urban area concerned, it will be a case of additional accommodation and the suitability of the same could be decided only if the tenant was allowed the leave to contest the ejectment application.”

12. In the present case, the facts and circumstances are entirely different from those involved in the authority cited above. In the said case, the landlord was already in possession of the entire ground floor, and the



ejection petition had been filed seeking additional accommodation in the form of a *barsati* which was in occupation of the tenant. In the present case, the respondents have specifically pleaded that the premises in question constitute a single composite unit comprising seven shops, and that they require the entire unit for the purpose of starting their business. In paragraph No. 6 of the eviction petition, they have specifically averred the aforesaid requirement. The relevant extract thereof is reproduced hereunder:

“6. That the premises in question are bonafide required by the petitioners since they want to shift Ludhiana permanently and do business of electronic items which requires immediate accommodation. The accommodation with the petitioners for running such business in their possession is very small. It is also pertinent to mention here that the total area purchased by Amarjit Singh i.e. total property is only 6 Biswas out of which residential construction has been constructed which has been shown in yellow colour which measures 59' 6" X 87' 3" X 110' 3" X 101', whereas, the seven shops of dimensions 6' 6" , 10' X 21'9" with small corner shop of 6'6" X 3' which are very small area and the area in possession of the petitioners on the other side of the staircase is not sufficient for running the same business. Thus, the premises in possession of the respondents is bona fide required by the petitioners for their own use and occupation.”

13. The pleaded requirement is not for additional or surplus accommodation, but for use of the premises as an integrated whole. In view of this specific pleading, the authority relied upon by learned counsel for the petitioner is clearly not applicable to the facts of the present case. The judgment cited pertains to a situation where the landlord, already being in possession of substantial accommodation, sought additional accommodation, the suitability of which required adjudication after grant of leave to contest.

The factual matrix in the present case is materially different. Accordingly, the



precedent relied upon by the petitioner is distinguishable on facts and does not advance the petitioner's case.

14. The learned Rent Authority has dealt with and elaborately considered all the pleas raised by the petitioner in the application seeking leave to defend and has rightly declined the same. No illegality, infirmity, or perversity can be found in the impugned order warranting interference by this Court in exercise of its revisional jurisdiction.

15. In view of the above, the present petition is **dismissed**.

(VIRINDER AGGARWAL)
JUDGE

02.02.2026

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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>