



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**[209-4 cases]**

[1]

CR-6365-2023

Date of Decision : 24.02.2025

M/s Unique Color Lab Pvt. Ltd.

...Petitioner

versus

Indian Academy of Fine Art (Regd.) Society

....Respondent

[2]

CR-6366-2023

M/s Super Colour Lab

...Petitioner

versus

Indian Academy of Fine Art (Regd.) Society

....Respondent

[3]

CR-6435-2023

M/s Fine Color Lab Pvt. Ltd.

...Petitioner

versus

Indian Academy of Fine Art (Regd.)

....Respondent

[4]

CR-6740-2023

M/s Unique Color Lab Pvt. Ltd.

...Petitioner

versus

Indian Academy of Fine Art (Regd.) Society

....Respondent

**[210]**

CR-6492-2023 (O&M)

M/s Fine Arts, Madan Mohan Malviya  
Road, Amritsar through its partner

...Petitioner

versus

Indian Academy of Fine Art (Regd.) Society  
under the Societies of Registration Act

....Respondent



Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: None for the petitioner(s) in CR-6365-2023, CR-6366-2023, CR-6435-2023 & CR-6740-2023.

Mr. Vishal Sodhi, Advocate for the petitioner in CR-6492-2023.

Mr. A.P.S. Sandhu, Advocate with  
Mr. Ashish Kaushik, Advocate  
for the respondent(s).

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**PANKAJ JAIN, J. (ORAL)**

**CR-6492-2023**

[1] Challenge is to order dated 02.08.2023 passed by the Rent Controller, Amritsar, whereby, application filed by the tenant seeking appointment of the Draftsman as well as Photographer to inspect the demised premises stands declined.

[2] Petitioner is facing eviction proceedings initiated at the hands of respondent under Section 13 of the East Punjab Rent Restriction Act, 1949, pleading *bona fide* need. The grounds pleaded reads as under:-

- (i) *“The demised shop alongwith basement and others shops in possession of Fine Colour Lab., Super Colour Lab, Unique Colour Lab, and M/s Phulkari, is bonafitly required to the applicant to display the art work and for the various avenue of fine art and to establish class rooms for the students and to set up museum of the fine art. The demised shop alongwith the building of the society is situated within the 70' Ft. from Ram Bagh/Company Bagh, Amritsar which is declared monuments under the law and no new constructions is possible due to the prohibition made under the law. Total area in the possession of the applicant will be shown in the site plan to be attached and the space in possession of the society is insufficient for regular activity of the applicant. There is no space available to the applicant for setting of museum, class room and for*



*extension of the work. The applicant has to run the classes of the students in Verandah. The applicant do not own any other building except the building shown in the site plan, to which the demised shop is part. The demised shop alongwith basement and other shops in possession of other tenants i.e. M/s Phulkari, M/s Fine Colour Lab., Unique Colour Lab., and Super Colour Lab, Basement is situated on main Madan Mohan Malviya Road, having display towards to the main road and is best suitable place for the setting of museum, class room and to expand the activities of the applicant society. ”*

[3] The same was responded to by the tenant-petitioner as under:-

“ xxxx                      xxxx                      xxxx

3. *That para No.3 of the application is denied being incorrect. It is denied being wrong that the replying respondent is liable to be ejected from the demised shop on an alleged grounds. The replying is respondent is not liable to be ejected from the demised premises on any alleged grounds. Sub parawise reply is as under:-*
  - i. *That sub para No. i of para No.3 of the application is denied being incorrect. It is denied being wrong that the demised shop alongwith basement and other shops in possession of Fine Colour Lab, Super Colour Lab, Unique Colour Lab and M/s. Phulkari is bonafidely required to the applicant to display the art work and for the various avenue of fine art and establish class rooms for the students and to set up museum of the fine art. The shop in question is not required by the applicant on any alleged ground of bonafide requirement. As stated in the foregoing paras as well as in para No. 3 of the pre. objection as well as in the foregoing paras when the applicant itself is a lessee of the demised shop and as such the applicant has got no right to vacate the shop in question from the replying respondent. Facts mentioned in para No.3 of the pre. objection as well as in the foregoing paras may be read as part and parcel of this para for the sake of brevity. It is denied being wrong that the demised shop is situated within the 70 ft. from Ram Bagh, Amritsar but the applicant has got no locus standi to eject the replying respondent from the shop in question. It is denied for want of knowledge that any prohibition has been*



*made. It is denied being wrong that the space in possession of the applicant society is insufficient for regular activity of the applicant. The applicant is having sufficient space but only in order to harass the replying respondent and in order to put pressure upon the replying respondent to enhance the rate of rent of the shop in question, the present application has been filed by the applicant. Even otherwise the applicant has got no locus standi to file the present application as the applicant is not the landlord/owner of the demised shop. The applicant itself is a lessee of the demised shop and as such the applicant has got no right to eject the replying respondent from the shop in question. It is denied being wrong that there is no space available to the applicant for setting of museum, class room and for extension of work. The applicant is having sufficient space with it. It is denied being wrong that the applicant has to run the classes of the students in verandah. It is denied being wrong that the applicant do not own any other building except the building shown in the site plan. The applicant has got no right or locus standi to eject the replying respondent from the demised shop. The applicant is having other properties and sufficient accommodation but only in order to harass and humiliate the replying respondent and in order to put pressure upon the replying respondent to enhance the rate of rent, the present application has been filed by the applicant. It is denied being wrong that the shop in question is best suitable place for setting of museum, class room and to expand the activities of the applicant society. The applicant has sufficient space for running its business activities. Even otherwise business the applicant itself is a lessee of the entire building Indian Academy of Fine Art, shop in question forming the part of the same and a lessee has no right to act as a landlord/owner and has right to file ejectment application. The entire story made by the applicant is false and concocted one. The applicant has got no locus standi to file the present application. The application is legally not maintainable under the law.*

*xxxx                      xxxx                      xxxx ”*

[4]                      Thereafter, the application was moved seeking direction to the



applicant to place on record the original site plan of the premises. Not only the original site plan stands tendered in evidence, rather the witness AW-4/Arvinder Singh has also been examined by the tenant. Thereafter, instant application was moved, which stands declined by the Rent Controller, observing that any permission allowing Civil Engineer/Draftsman as well as Photographer to inspect the demised premises shall tantamount to appointment of Local Commissioner making Court party to the *lis* helping the tenant to collect evidence.

[5] Mr. Sodhi, counsel for the petitioner, while assailing the impugned order submits that the Rent Controller has erred in observing that permission to the Civil Engineer/Draftsman and the Photographer to inspect the demised premises would amount to appointment of Local Commissioner. He submits that photographs of the demised premises are necessary for the proper adjudication of the matter and for the tenant to prove his defence.

[6] *Per contra*, Mr. Sandhu, counsel for the respondent submits that the Rent Controller has rightly non-suited the tenant by dismissing the application. Site plan having already been tendered by AW-4/Arvinder Singh as Exhibit A-8 and he having been cross-examined on all material aspects including the site plan by the tenant without raising any objection. There is no need to permit the Photographer or the Draftsman/Civil Engineer to inspect the building.

[7] I have heard counsel for the parties and have carefully gone through the records of the case.

[8] The issue in the present case is a *bona fide* need projected by the landlord. The Original site plan showing the expanse and length and breadth of the building is already on record. This Court fails to understand as to how the photographs will help the tenant in projecting his defence.



[9] Finding no merits in the present revision petition, the same is ordered to be **dismissed**.

[10] Liberty is granted to the tenant whatever evidence he wants to lead.

[11] All pending miscellaneous application(s), if any, stands *disposed off*.

CR-6365-2023, CR-6366-2023  
CR-6435-2023 & CR-6740-2023

[12] In these revision petitions, none has appeared.

[13] The revision petition filed by Mr. Sodhi, Advocate (CR-6492-2023) is treated to be the main petition and the similar petitions are dismissed on the same terms.

[14] All pending miscellaneous application(s), if any, stands *disposed off*.

[15] Photocopy of this order be placed on the file of connected cases.

**(PANKAJ JAIN)**  
**JUDGE**

24.02.2025

'R. Sharma'

*Whether speaking/ reasoned* : Yes/No  
*Whether reportable* : Yes/No