



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

303-2

Date of decision: 02.09.2025
CR-2614-2025 (O&M)

Parminder Singh Gill

...Petitioner

V/s

Shri Raghunath Mandir Society (Registered)

...Respondent

2)

CR-2631-2025 (O&M)

Parminder Singh Gill and others

...Petitioners

V/s

Shri Raghunath Mandir Society (Registered)

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Sumeet Mahajan, Senior Advocate with
Mr. Saksham Mahajan, Advocate,
Mr. Shruti Singla, Advocate and
Ms. Radhika Deekshay, Advocate,
for the petitioners (in both petitions).

Mr. Aayush Gupta, Advocate,
for the respondent (in both petitions).

VIKRAM AGGARWAL, J (ORAL)

Shri Raghunath Mandir Society (for short "Society") (respondent-landlord) instituted petitions under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as the "1949 Act") for eviction of the petitioners-tenants from two shops (Shops No.5 and 6) of the Society situated at Ferozepur Road, Aggar Nagar, Part-B, Ludhiana. The said eviction petitions were allowed by the Court of Rent Controller, Ludhiana vide orders dated 12.02.2019.

2. The petitioners-tenants preferred appeals against the said orders which came to be dismissed by the Appellate Authority on 05.03.2025 leading to filing of the present revision petitions.

3. On 01.05.2025, the following order was passed by this Court:-



“Learned Senior counsel for the petitioners inter alia submits that no findings worth its name were recorded by the learned Appellate Authority as regards bona fide requirement and only after discussing the law on the subject, the appeal was dismissed. He further submits that in CR-2614-2015, an application for additional evidence (Annexure P-4) was moved before the Appellate Authority which remains undecided.

Notice of motion for 27.05.2025.

Process dasti as well.

In the meantime, dispossession shall remain stayed.

To be taken up in the urgent list.

A photocopy of this order be placed on the file of connected case.”

4. Learned Senior Counsel representing the petitioners reiterates his submissions made at the time of issuance of notice of motion and submits that on this ground alone, the impugned orders are not sustainable.
5. Sh. Aayush Gupta, learned counsel representing the respondent-Society very fairly concedes that the orders of the first Appellate Authority do not deal with the ground of *bona fide* necessity in detail though, he submits that arguments in detail were never addressed before the said authority. Be that as it may, he submits that in case the matters are remitted to the first Appellate Court for a fresh decision, the same be made time bound.
6. I have considered the submissions made by learned counsel for the parties.
7. It is not in issue that the Appellate Authority did not record reasoned and detailed findings as regards the ground of personal necessity. That apart, the application for additional evidence submitted in the case out of which CR-2614-2025 arises (pertaining to Shop No.6) remains undecided. By way of this application, the petitioners-tenants sought to place on record a copy of judgment passed in the case of Shop No.9, vide which the eviction petition filed by the Society had been dismissed. Though, it is also an admitted fact that against the said order, an appeal is pending.
8. Considering the matter in its entirety, this Court is of the opinion that on account of detailed findings not having been recorded by the Appellate Authority on the ground of personal necessity, prejudice has been caused to



the rights of the petitioners/tenants. It has to be borne in mind that first appeal is a valuable right and the Appellate Authority is the last Court of facts.

9. Keeping in view the aforementioned facts, as also the fair concession of learned counsel for the respondent, the orders dated 05.03.2025 passed by the Appellate Authority are set aside. The matters are remitted to the Appellate Authority for a fresh decision after decision of the application for additional evidence, in accordance with law. Since the impugned orders passed by the Appellate Authority have been set aside, the application for additional evidence moved in CR-2631-2025 has been rendered infructuous. Learned Senior Counsel submits that the petitioners shall move an application for additional evidence before the Appellate Authority.

10. In case such an application is moved, the same be also dealt with in accordance with law.

11. Keeping in view the aforementioned facts and circumstances, especially that the appeals before the Appellate Authority were filed as far back as in 2019 and were decided 6 years thereafter in 2025, the Appellate Authority is directed to decide the appeals within a period of four months from the date of receipt of a certified copy of this order.

12. The revision petitions are accordingly disposed of.

13. Needless to assert that no observation made hereinabove shall be construed to be an opinion on the merits of the case.

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

(VIKRAM AGGARWAL)
JUDGE

September 02, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No