



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

CR-6780-2025

Date of Decision: 23.09.2025

PREM KUMARI @ PREM LATA

....Petitioner

Versus

SARBJITPAL SINGH

...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Arun Kaundal, Advocate and Mr. Aditya Sharda, Advocate
for the petitioner.

Parmod Goyal, J.

Present revision petition has been preferred by tenant (hereinafter referred as 'Petitioner-Tenant') being aggrieved by eviction orders passed by learned Rent Controller, Patiala vide judgment dated 15.02.2023 and judgment dated 14.01.2025, passed by Appellate Authority, Patiala dismissing the appeal preferred by Petitioner-tenant.

2. Landlord (hereinafter referred as 'Respondent-Landlord') claimed himself to be owner of demised property and asserted that petitioner-tenant was inducted as a tenant in the year 2006 @ Rs.2,500/- per month excluding electricity and water charges. It was asserted that house is required for the personal *bona fide* needs to reside in the house. Since petitioner has got no house with him and as his son is also qualified engineer, they require house for their residence as his son is likely to be married in the near future. It was claimed that respondent has already shifted to H.No.37-F, Rattan Nagar, Patiala. Tenant, however, is intentionally not vacating the premises and keeping it locked and has not paid rent since



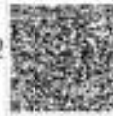
01.01.2011 apart from electricity and water bills. Even electricity connection stands disconnected and department has already taken the electricity meter as petitioner-tenant is in arrears of Rs.1,00,096/-. Eviction of tenant was prayed for.

3. Tenant by her detailed reply asserted that it was Rajbans Kaur who is owner and landlord of petitioner-tenant from whom premises in question were taken on rent orally. It was asserted that no writing was made. That petitioner has no concern with the property in question. Respondent had taken house in the year 2006 and rent was settled as Rs.1,000/- per month which respondent has been paying regularly to the landlord. It is asserted that landlord Rajbans Kaur has refused to accept rent as respondent had sent money order through postal department to Rajbans Kaur on 03.10.2011. She sought dismissal of rent petition.

4. From the pleadings of parties, following issues were framed:

1. Whether there is relationship of Landlord and tenant between the parties? OPA
2. If so, whether respondent is in arrears of rent? OPA
3. Whether applicant requires house in question for personal and bonafide necessity? OPA
4. Whether house in question is in dilapidated condition and unfit & unsafe to use? OPA
5. If so, whether applicant is entitled to eject the respondent from the house in question? OPA
6. Whether the petition of the petitioner is not maintainable? OPR
7. Relief.

5. Issues No.1 to 3 and 6 were decided in favour of respondent-landlord and against petitioner-tenant. Issues No. 4 and 5 were decided against respondent-landlord and in favour of petitioner-tenant. It was held that premises is required by respondent-landlord for personal necessity and

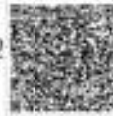


eviction order was passed on the ground of personal necessity and non-payment of rent. Appeal preferred by Petitioner-tenant was also dismissed and eviction order was affirmed.

6. Ld. Counsel for appellant has argued that Ld. Courts below have failed to consider following facts and therefore erred in passing eviction order :

- (i) Respondent-landlord was not the landlord and premises were taken by petitioner-tenant from Rajbans Kaur. Therefore, petitioner-tenant was not tenant of respondent-landlord. The term 'Landlord' is wide enough to include person authorized and also excludes even owner in some cases.
- (ii) Respondent-landlord has failed to prove rate of rent;
- (iii) Rajbans Kaur owner/landlord is having the house comprising 5 rooms and Double Storey, 2 shops on the main road and she is having sufficient accommodation, therefore, personal necessity is no proved.

7. Tenancy is admitted by petitioner – tenant. She however, claims to be tenant of Rajbans Kaur (mother o respondent-landlord). In present case both the parties have asserted tenancy to be oral. None of them could produce either rent note or receipt showing payment of rent. On one hand respondent-landlord had appeared as PW-1 and has asserted himself to be owner and landlord. He claimed that suit property is on rent @ Rs. 2,500/- pm with petitioner-tenant. On other hand petitioner-tenant had appeared as RW-1 and claimed that she is tenant under Rajbans Kaur, (mother of respondent-landlord) @ Rs. 1,000/- pm. She had also examined one Raj Kumar as RW-2, who claimed that he had witnessed payment of rent to Rajbans Kaur @ Rs. 1,000/- pm. Petitioner-tenant had also claimed that on 03.10.2011 she had sent rent



through money order which was refused by Rajbans Kaur. However, no evidence was brought to prove sending of money order and its refusal. Best evidence with petitioner – tenant was not adduced before court. Jamabandi for year 2017-18 Ex.P-5 duly proves ownership of respondent-landlord. Water and sewerage bills are in name of respondent-landlord. This has not only gone unrebutted but petitioner-tenant has failed to show that how Rajbans Kaur became her landlord when she was not owner of property. RW-1 (petitioner-tenant) has admitted that she had paid rent upto 2015. Neither she nor his family members are residing in the rented premises. In her cross she also admitted that electricity connection was disconnected as electricity bill was not paid. Ld. Courts below have rightly appreciated respective evidence and have rightly accepted evidence of respondent-landlord as same is more plausible and finds some corroboration from independent source. Evidence of RW-2 was rightly rejected as it does not inspire confidence as he could not justify his witnessing instance of payment of rent when he was totally unaware of any other particulars about party and tenancy. RW-2 infact admitted that he was deposing as was told by petitioner-tenant. Power of revisional court in reappreciating evidence is highly restricted. When concurrent finding of facts is plausible from evidence lead before court, revisional court cannot substitute conclusion of courts below arrived at by correct appreciation of evidence by another view. In present case petitioner-tenant has failed to prove that Rajbans Kaur was her landlord and rate of rent was Rs. 1,000/- pm as claimed by her. Therefore, in present case definition of landlord is of no help to the case of petitioner-tenant.

8. Respondent-Landlord has claimed that house is required for



the personal *bona fide* needs to reside in the house. Since petitioner has got no house with him and as his son is also qualified engineer, they require house for their residence as his son is likely to be married in the near future. It was claimed that respondent has already shifted to H.No.37-F, Rattan Nagar, Patiala. Tenant, however, is intentionally not vacating the premises and keeping it locked and has not paid rent since 01.01.2011. Need of landlord for his adult son who is qualified engineer and of marriageable age cannot be held to not Bonafide. Requirement of family of landlord is likely to expand with addition of new member and addition in family members. Landlord is the best judge of his needs. It is he who has to see how he utilizes the property and how it is best suited for his needs. Tenant is nobody to dictate his terms in the matter of Bonafide need of landlord. In present case respondent-landlord has succeeded in proving his need and fact that it is Bonafide. Reliance by Ld. Rent controller on various authorities upholding choice of landlord to be paramount is as per law of land.

9. Ld. Counsel for respondent has failed to show any error in judgments passed by Ld. Rent controller and Ld. Appellate Authority who have concurrently found petitioner tenant liable to eviction. There is no merit in present petition. Hence dismissed.

23.09.2025

chiranjeev

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

(PARMOD GOYAL)
JUDGE