

**CR-1534-2021 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH****(249)****CR-1534-2021 (O&M)  
Reserved on 04.04.2025  
Date of decision:- 23.05.2025****Ram Kumar (since deceased) through LRs****... Petitioner****Versus****Snehlata****... Respondent****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Ankur Goyat, Advocate for  
Mr. Ramesh Goyat, Advocate for the petitioner.

Mr. Avnish Mittal, Advocate for the respondent.

\*\*\*\*

**SUVIR SEHGAL, J.**

1. Instant revision petition has been filed by the petitioner-tenant under Section 15 (6) of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (for short "the Rent Act") assailing concurrent finding recorded by the two Courts, whereby he has been ordered to be evicted from the tenanted premises.
2. Respondent-landlady filed a petition under Section 13 of the Rent Act for eviction of the petitioner from the shop in Charkhi Dadri, which was let out to the petitioner on a monthly rent of Rs.250/- from 04.06.1985 to 03.05.1986 for running the business of spare parts. Rent was increased later on and on 27.05.2009, Rent Controller fixed the pay rent at Rs.479/-, excluding house tax. Eviction Petition has been filed on the ground of (a) arrears of rent; (b) change of user; (c) material alteration; (d) nuisance; and (e) bona-fide personal necessity. The tenant contested the petition by filing a reply, wherein besides raising various preliminary objections, he denied all the grounds set up by the



**CR-1534-2021 (O&M)**

**-2-**

landlady. Both the parties led evidence in support of their respective case and after they were heard, Rent Controller by judgment dated 16.01.2018 ordered the eviction of the petitioner from the demised premises on the ground of bona-fide personal necessity of the landlady. Tenant remained unsuccessful in appeal, which was dismissed by the Appellate Authority, Charkhi Dadri by judgment dated 23.07.2021, resulting in the institution of the present petition.

3. Counsel for the petitioner has argued that the landlady has failed to establish bona-fide necessity and the need of the daughter-in-law cannot qualify as the need of the family. He urges that the landlady has not stepped into the witness box to depose in support of the petition. By referring to the evidence led by the parties as well as judgment dated 03.10.2012, Ex. P-1, counsel has argued that the landlady has succeeded in getting another shop vacated, which is lying vacant. He asserts that as the landlady has an alternate property in her possession, the intention of getting the demised shop vacated is simply to harass the petitioner.

4. Per contra, counsel for the landlady has referred to the evidence led by the respondent to assert that she has established that she needs the premises for occupation of her family and that there is no requirement that the landlady should depose in support of the petition. It has also been argued by him that the other properties are not suitable for the need of landlady. He submits that the tenant has expired during the pendency of the instant petition and the shop is lying closed.

5. I have heard counsel for the parties and considered their respective submission, besides examining the requisitioned record.



**CR-1534-2021 (O&M)**

**-3-**

6. A perusal of the eviction petition shows that the landlady has pleaded that her daughter-in-law, Pooja Gupta, wife of Amit Gupta, is a qualified Chartered Accountant and she possesses a Certificate of Membership and a Certificate of Practice from the Institute of Chartered Accountant of India (ICAI). It has been averred that she intends to practice as a Chartered Accountant at Charkhi Dadri and the demised shop is most suitable as it is located close to her residence. It has been categorically pleaded that neither the petitioner nor her daughter-in-law is in occupation of any shop in the urban area concerned nor have they vacated any such premises without sufficient cause after the coming into force of the Rent Act, which can be used by Pooja Gupta for the purposes of practice. Claiming that the premises is bonafidely required, landlady has set up personal necessity as one of the grounds for eviction. In his reply, the tenant has denied all the grounds of eviction.

7. In order to establish her case, landlady has examined her daughter-in-law, Pooja Gupta, PW-4, who in her affidavit, Ex.PW-4, has deposed that she is a qualified Chartered Accountant and has produced the Certificates, Ex.PW-4/1 and Ex.PW-4/2, respectively. She deposed that her marriage was performed with Amit Gupta on 24.11.2012. Her Aadhar Card and Voter Card depict her residential address of Charkhi Dadri, where she is staying at her matrimonial home. She has also stated that the demised premises is in the vicinity of her residence and is the most suitable for her purpose as she intends to practice as a Chartered Accountant at Charkhi Dadri. She has also stated that she does not possess any shop in the concerned urban area nor has she vacated any such premises for a sufficient cause. In her cross-examination, she has stated that



**CR-1534-2021 (O&M)**

**-4-**

her husband is also a Chartered Accountant and he practices at Gurugram as well as at Charkhi Dadri and his clients are at both the places. She has admitted that she is also practising as a Chartered Accountant and that most of the times, she stays at Charkhi Dadri. She has deposed that she does not have any clients at Gurugram. She has also stated that she is living in a joint family and her residence is behind the demised shop.

8. Sharwan Kumar, PW-5, husband of the landlady, who is her Power of Attorney, stepped into the witness box and has deposed in favour of the eviction petition. He has produced the Power of Attorney as Ex. PW-5/1 and has categorically stated that he is aware of all the facts pertaining to the demised shop. He has stated that his wife, who is of an advanced age, remains indisposed and is unable to personally testify before the Court. Besides deposing regarding the rate of rent and the grounds set up in the eviction petition, he has stated on oath that his wife owns other shops as well and that his son, Amit Gupta, is living in Gurgaon on a rented accommodation for the last three years. He has admitted that he had filed an eviction petition for vacation of another shop on the ground of personal necessity, which was withdrawn. Eviction of a shop vide judgment dated 03.10.2012, Ex.P-1, has also been admitted.

9. Despite extensive cross-examination, testimony of both the material witnesses could not be shaken. From the ocular and documentary evidence of the record, it stands established that Pooja Gupta is a practising Chartered Accountant at Charkhi Dadri. Additionally, being a mother of two young children, aged three and six years, she needs the demised shop, which is



**CR-1534-2021 (O&M)**

**-5-**

located at a walking distance from her matrimonial home. She has stated that it is not possible for her to open the office at her residence, where she is living in a joint family. It has been stated by both, Pooja Gupta as well as Sharwan Kumar, that the premises, which has been vacated vide order, Ex. P-1, is in the possession of another son of the landlady and he is an Insurance Agent working with the LIC. This Court is, therefore, of the view that the demised premises is the most suitable for Pooja Gupta for her practice. Petitioner has failed to prove that the landlady has any alternative suitable accommodation, which can be used by her daughter-in-law to start her practice. Furthermore, it is for the landlady to make a choice and a tenant cannot dictate terms as to which premises is more suitable for her requirement.

10. In *Joginder Pal Versus Naval Kishore Behal, (2002) 5 SCC 397*, Supreme Court has held that landlord's requirement for a non-residential premises for the office of his son, who is dependent upon him and wanted to start his practice, is a sufficient ground for the landlord to seek eviction of the premises. The words "for his own use" has been held to include the family members of the landlord, who are dependent upon the landlord. The same analogy would apply in the case of her daughter-in-law. In *Sarla Ahuja Versus United India Insurance Company Ltd. (1998) 8 SCC 119*, Supreme Court has held that tenant is nobody to dictate terms on the landlord in the matter of bona-fide requirement and the only relevant factor is the establishment of bona-fide requirement by the landlord. Findings recorded by Courts below regarding bona fide personal necessity are affirmed.

11. In so far as the non-appearance of the landlady before the Rent



**CR-1534-2021 (O&M)**

**-6-**

Controller is concerned, it has come on the record that the landlady is bedridden and because of her advanced stage and various ailments, she is not in a position to step into the witness box. Suffice is to notice that her husband, Sharwan Kumar, who is 62 years of age, has deposed as a Power of Attorney holder, in her place. He has categorically stated that he is aware of all the facts of the case. Sharwan Kumar had appeared as a witness even in the earlier eviction petition, which culminated in the passing of the eviction order dated 03.10.2012, Ex.P-1, filed against another tenant. In *Man Kaur (dead) by LRs Versus Hartar Singh Sangha, (2010) 10 SCC 512*, Apex Court has laid down the principles in cases where close relations like husband and wife can depose in favour of each other because of their relationship. Therefore, to establish the bona fide personal necessity, especially in a case like the present one, which is for a daughter-in-law, Sharwan Kumar is competent to depose on behalf of his wife. Objection raised by the tenant regarding his deposition deserves to be and is rejected.

12. This Court does not find any reason to interfere in the well reasoned orders passed by the Courts below. Revision petition being devoid of merit is dismissed with no order as to cost.

13. Pending application(s) is/are stand disposed of.

**(SUVIR SEHGAL)  
JUDGE**

23.05.2025

Kamal

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