



115 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR-2348-2021 (O&M)

Date of decision : 24.04.2025

Rajesh Kumar

...Petitioner

Vs.

Bant Lal

...Respondent

**CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Avnish Mittal, Advocate  
for the petitioner.

Mr. Rakesh Gupta, Advocate  
for the respondent.

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**ANIL KSHETARPAL, J.** (Oral)

1. The petitioner herein is a tenant who has been ordered to be evicted concurrently by the Rent Controller, which in appeal has been affirmed by the Appellate Authority.
2. The eviction of the petitioner has been ordered on two grounds:-
  - I. Non payment of rent.
  - II. The landlord has a *bona fide* requirement to start his own business.
3. The tenanted property is a shop located in front of landlord's house. Both the Courts have concurrently found that the necessity of the landlord is genuine.
4. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.



5. Learned counsel representing the petitioner has made the following three submissions:-

- I. The property is located in the residential area, hence, applicability of Rent Act is doubtful.
- II. The landlord has failed to plead the required ingredients as provided under the East Punjab Urban Rent Restriction Act, 1949.
- III. Both the Courts have failed to discuss in detail the *bona fide* requirement of the landlord.

5. Admittedly, the property is located in old Rajpura, District Patiala, which is part of Rajpura Town. It is an urban area. The petitioner has not led any evidence that the property is located outside the Municipal area.

6. It is not the case of the petitioner that the landlord is the owner or in possession of any other commercial property. When the landlord appeared in evidence, the petitioner's counsel did not confront the landlord with any other property. The ingredients are required to be pleaded in order to prove that the necessity of the landlord is genuine. He is required to assert that neither he is in possession of similar building nor he has vacated the premises after commencement of the Act. Once, it is proved that he is not the owner of any other building, no prejudice has been caused to the petitioner.

7. With regard to last submission, learned counsel representing the petitioner has read over the deposition of the landlord. It is evident that the landlord has stated that he wants to start his business. The correctness of his deposition has not been even challenged in the cross-examination by the



tenant's counsel.

8. Moreover, the scope of interference in a rent revision petition is extremely limited in view of judgment passed by the Five Judgment Bench of the Hon'ble Supreme Court in '*Hindustan Petroleum Corporation Ltd. vs. Dilbahar Singh*', 2014(9) SCC 78.

9. Keeping in view the aforesaid facts, no ground to interfere is made out.

10. Hence, the revision petition is dismissed.

11. All the pending miscellaneous applications, if any, are also disposed of.

24.04.2025

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(ANIL KSHETARPAL)  
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No