



CR-3822-2017 (O&M)

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

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**CR-3822-2017 (O&M)
Reserved on:-19.08.2025
Decided on :- 27.08.2025**

Nibha Panda

...Petitioner

VERSUS

Karanbir Singh & Others

...Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. R.S.Dhindsa, Advocate for the petitioner.

Ms. Ekta Thakur, Advocate and
Ms. Shikha, Advocate for the respondents.

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MANDEEP PANNU J.

1. Present revision petition has been filed by the petitioner-tenant against the impugned order dated 01.10.2015 passed by the learned Rent Controller, Chandigarh and order dated 24.04.2017 passed by the Appellate Authority, Chandigarh whereby the petitioner has been ordered to be evicted from the demised premises.

Brief Facts

2. The landlords/respondents filed an eviction petition, which was initially decided by the Rent Controller vide order dated 05.09.2014. However, on appeal, the Appellate Authority set aside the order and remanded the matter back to the Rent Controller, Chandigarh, directing it to be decided afresh in accordance with the directions of the Hon'ble High Court passed in CWP No. 7611 of 2009, wherein it was specifically directed that the issue with regard to the payment of



rent as well as refund of any excess rent during the pendency of the rent petition be determined.

3. Upon remand, the learned Rent Controller proceeded to hear the matter afresh and, by order dated 01.10.2015, allowed the eviction petition on the ground of non-payment of rent. The respondents/tenants were directed to pay arrears of rent amounting to ₹73,188/- within two months from the date of the order, failing which they were made liable to eviction. Insofar as the ground of personal necessity of the petitioners/landlords was concerned, the respondents/tenants were also directed to vacate the demised premises, consisting of two rooms in House No. 1355, Nagal Basti, Mori Gate, Manimajra, U.T.Chandigarh and hand over vacant possession within two months.

4. Aggrieved by the said order dated 01.10.2015, the tenants filed a review petition under Sections 114 read with Sections 151 and 152 of the Code of Civil Procedure, 1908, before the Rent Controller, Chandigarh seeking review of the said order. The said review petition, however, was dismissed by the learned Rent Controller vide order dated 30.07.2016, on the ground that there was no inherent provision under the East Punjab Urban Rent Restriction Act, 1949, empowering the Rent Controller to review its own order.

5. Feeling aggrieved, the tenants filed an appeal before the Appellate Authority, Chandigarh, The Appellate Authority while maintaining the findings of the Rent Controller, upheld the order dated 01.10.2015 regarding eviction on the ground of personal necessity and dismissed the appeal to that extent. However, on the issue of arrears of rent, the Appellate Authority observed that there was a dispute between the parties regarding payment of excessive rent, which came to be settled by order dated 15.11.2016 passed during pendency of appeal. The Authority



held that after such settlement there was no subsisting dispute regarding arrears of rent, and accordingly upheld the ejectment order as legal and valid.

6. Hence, the present civil revision petition.

Submissions of the Petitioner

7. Learned counsel for the petitioner/tenant argued that the Rent Controller wrongly decided the issue of rent and, instead of ordering refund of excess rent, directed the tenants to pay arrears of ₹73,188/-. It was contended that this direction was passed despite the fact that the tenants had already deposited rent as per the assessment order of the Rent Controller during the pendency of the proceedings. This crucial fact, according to learned counsel, was ignored, and consequently, the impugned order dated 01.10.2015 is vitiated. It was further submitted that even though a review petition was filed by the tenants to correct the above error, the same was dismissed mechanically and without proper application of mind.

8. Learned Counsel for the petitioner/tenant also contended that the Appellate Authority wrongly relied upon its order dated 15.11.2016 passed during the pendency of the appeal, holding that there was a settlement regarding refund of excess rent. According to the tenants, no such genuine settlement was ever arrived at, and the Authority erred in treating the excess payment issue as concluded. It was specifically argued that no finding has been recorded by any of the Courts below with respect to the rent already paid by the tenants for the period 01.05.2005 to 31.10.2008 to the landlords.

Submissions of the Respondents/landlords

9. *Per contra*, learned counsel for the landlords supported the impugned orders. It was argued that the order of the Rent Controller directing payment of



arrears was strictly in accordance with law. It was further contended that during the pendency of the appeal, the tenants themselves moved an application dated 06.10.2016 under Section 151 CPC, seeking refund of excess payment of rent. The said application was duly considered and disposed of by the Appellate Authority vide order dated 15.11.2016, after taking into account all deposits made either in treasury or in cash.

10. Learned counsel further submitted that in the said order, the Appellate Authority clearly held that the amount deposited in the treasury could be withdrawn by the tenants, and the cash amounts paid stood adjusted against arrears and mesne profits. The Authority further ordered that any excess, if remaining, shall be refunded. Thus, the question of refund of excess rent already stood settled, leaving no grievance for the tenants to agitate in revision.

Findings

11. I have carefully considered the rival submissions and perused the record.

12. On the issue of arrears of rent and refund of excess payment, the Appellate Authority, in its impugned order dated 24.04.2017, rightly noted that the same stood settled by virtue of its earlier order dated 15.11.2016. A perusal of the record shows that an application dated 06.10.2016 was indeed filed by the petitioner/tenant under Section 151 CPC, praying for directions to the respondents/landlords to refund the excess amount of approximately ₹1,00,000/- along with interest, in compliance with the order of the Hon'ble High Court passed in C.R. No. 7611 of 2009 on 21.12.2009. While deciding the said application, the Appellate Authority examined the payments made by the tenants in detail, taking into account every deposit in treasury and every payment in cash. It was



specifically concluded that the amount deposited in the treasury could be withdrawn by the tenants, while the amounts paid in cash were liable to be adjusted against arrears of rent and mesne profits. To the extent any excess remained, it was directed to be refunded. The Authority also recognized the overpayment of ₹1,00,000/-, clarifying that the tenant could withdraw the same.

13. In view of these directions, the issue of excess payment and refund stands duly adjudicated. The grievance of the petitioner/tenant that the refund claim was ignored, therefore, does not survive. The observations of the Appellate Authority on this aspect cannot be faulted with. No illegality or perversity is made out in the findings on the issue of arrears of rent and refund

14. Thus, on the issue of arrears and refund, it is evident that Rent Controller by order dated 01.10.2015 determined arrears at ₹500 per month. This was affirmed by Appellate Authority. The application under Section 151 CPC filed by tenants has already been disposed of, directing refund/adjustment of excess payment, with liberty to withdraw treasury deposits. Thus, the question of excess amount has been settled and no further grievance survives.

15. Coming to the issue of personal necessity, both the courts below have concurrently found in favour of the landlords. The material on record clearly establishes that landlord-Karanbir Singh required the premises for his own use and occupation after his marriage, which took place on 09.10.2013. The premises in dispute being situated on the ground floor is most suitable for such purpose.

16. The Rent Controller has rightly relied upon the settled law as laid down in *Sarla Ahuja v. United India Insurance Co. Ltd., 1998 (2) RCR (Rent) 533 and Balbir Kaur and others v. Roop Lal and others, 2012 (1) RCR (Civil) 279*, wherein it has been categorically held that the landlord is the best judge of his



requirement. The tenant cannot dictate terms to the landlord by suggesting that his need is not bona fide. Sufficiency of accommodation has to be seen from the perspective of the landlord, and not from that of the tenant.

17. Applying the above principles, the Rent Controller in the present case rightly observed that *there is no material whatsoever on the record pointing towards the fact that the present petition is merely a part of greed or desire of the petitioners to seek eviction of the respondents. The respondents have failed to cast any doubt on the bona fide requirement projected by the petitioners. The requirement is bona fide and real in nature and cannot be termed as a pretext for eviction. The contention that landlords possess two houses with several rooms let out to different tenants cannot stand. Sufficiency or insufficiency of accommodation is to be judged from the viewpoint of the landlord and not that of the tenant.*

18. Further, the Rent Controller dispelled the argument that landlords were in the habit of letting out premises on higher rents, observing that even if the landlords had other tenants in adjoining houses, it was still their prerogative to choose which premises would best serve their bona fide need. It was also noticed that adequate safeguards exist under law for the tenant in case the landlord, after obtaining eviction on grounds of personal necessity, re-lets or sells the premises.

19. The evidence on record establishes that the demised premises is most suitable for the requirement of petitioner No.1, who, after his marriage, required accommodation on the ground floor to settle his family. Such necessity is bona fide, genuine and real. The concurrent findings of the Rent Controller and Appellate Authority, being based on proper appreciation of evidence and in line with settled legal principles, cannot be interfered with.

**Conclusion**

20. The rate of rent has been correctly assessed at ₹500 per month. The question of arrears and refund stands settled by the order of the Appellate Authority on the Section 151 CPC application, which directed adjustment/refund of excess rent and allowed withdrawal of treasury deposits. No further grievance remains on that aspect. The bona fide requirement of the landlord is well established. The landlord being the best judge of his need, his choice of the ground floor portion as suitable for his occupation after marriage cannot be questioned by the tenant. The requirement is not a mere desire or pretext, but genuine necessity established by cogent evidence.

21. Finding no merit in the present revision petition, the same is hereby dismissed

22. Pending application(s), if any, also stand disposed off.

August 27, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No