



**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

Civil Revision No.4083 of 2013 with CR
No.32 of 2014

Reserved on: 17th July, 2025

Date of decision: 11th November, 2025

1. Civil Revision No. 4083 of 2013

Vineet

...Petitioner

Versus

Vishal Sohal

...Respondent

2. Civil Revision No.32 of 2014

Vineet

...Petitioner

Versus

Dinesh Kapoor

...Respondent

Coram

The Hon'ble Mr. Justice Vivek Singh Thakur, Judge.

Whether approved for reporting? Yes

For the Petitioner(s):

Ms. Devyani Sharma, Sr. Advocate with
Mr.Srishti Negi, Advocate for petitioner(s)
in both petitions.

For the Respondent(s):

Mr.Sunil Mohan Goel, Sr. Advocate with M/s
Parar Dhaulta and Abhinav Mohan Goel,
Advocate for respondent in CR No. 4083 of
2013.

Mr. Vivek Sharma, Advocate for
respondent in CR No. 32 of 2014.

Vivek Singh Thakur, Judge

These Revision Petitions, arising out of two different
eviction proceedings initiated by the landlord but dismissed by the
Rent Controller as well as Appellate Authority on same grounds, are

being decided together by this judgment for involvement of common question of law and facts based on similar evidence led in both matters.

2 Parties, herein-after for convenience, shall be referred as petitioner/landlord and respondent(s)/tenant(s).

3 Both Rent Petitions were filed on 23.12.2009 before the Rent Controller, Kullu for eviction of tenants on the ground that premises in reference are bonafidely required by petitioner/landlord for carrying out his own business.

4 It was claimed by petitioner that after doing graduation in the year 2004, he could not get employment despite making all out efforts and, thereafter, he was compelled to join ITI Shamshi wherefrom he completed course of Draftsman in the year 2005. But even after completing said course, he could not get employment. Father of petitioner had died long ago and he was the only bread earner in the family consisting of his widowed mother and wife. But being unemployed, he had no source of income to support his family and he intended to start readymade garments business as well as Manyari shop in the demised premises, rented out to respondents/tenants Dinesh Kapoor and Vishal Sohal respectively, for earning his livelihood and to support and maintain his family.

5 It was further claimed by petitioner that premises in reference are located in Main Bazar, Bhuntar, which is the heart of

business centre of area and these premises are very suitable for business of petitioner.

6 It was stated by petitioner that no other building in the market, except the premises in reference, is owned by petitioner and as it was becoming very difficult for him to earn his livelihood, premises were bonafidely required by him for carrying out his own business and therefore, prayer for eviction of Dinesh Kapoor and Vishal Sohal from the respective rented premises was made.

Civil Revision No. 4083 of 2013

7 This Revision Petition has been preferred against judgment dated 19.10.2013, passed by the Appellate Authority/District Judge, Kullu in *Rent Appeal No. 22 of 2013, titled Vineet vs. Vishal Sohal*, whereby order dated 17.4.2013 passed by the Rent Controller, Kullu in *Rent Petition No. 05 of 2009 titled Vineet vs. Vishal Sohal* dismissing the eviction petition preferred by petitioner/landlord, has been affirmed.

8 In this matter, landlord/petitioner has filed a petition for eviction of respondent Vishal Sohal from premises consisting of one shop measuring 29'7" x 10'10" situated in ground floor denoted as Shop No. 21 situated on land comprised Khasra No. 1463, Khata/Khatauni No.236/350, at Phati Shamshi, Kothi Khokhan, Tehsil and District Kullu.

9 In response to eviction petition, it is stand of respondent that demised premises was rented out to him vide agreement dated

2.11.2006 and thereafter, respondent applied for grant of drug licence from Drugs Control Administration, North Zone, Dharamshala and the same was issued by the Licensing Authority on 31.12.2007. Thereafter, on the basis of aforesaid license, respondent is running business of medicines in the name and style of Vikas Medical Store, Bhuntar. Further that respondent has also availed housing loan amounting to Rs.18 lacs from the State Bank of India, Bhuntar on 16.7.2009 and he has also availed facility of Cash Credit Limit to the tune of Rs.4 lacs from the State Bank of India, Bhuntar on 20.1.2009 and all aforesaid was done by him after execution of Rent agreement between the parties. It has been further stated that respondent is also only bread earner in his family, whereas petitioner/landlord is running a shop in the name and style of Jawala General Store, Bhutti Colony, Shamshi, Tehsil and District Kullu. It has also been stated that petitioner is owner of two shops in the market and, therefore, it is not the only shop available to him to run his business which is in possession of respondent in present matter.

10 Petitioner has examined himself as PW1 and PW2 Anshul Parashar as witness. Whereas, respondent Vishal Sohal has examined himself as RW1 and one witness RW2 Ashok Kumar Marwah.

11 Petitioner has also placed on record in evidence notice issued to respondent-tenant Ext.PW1/B, postal receipt Ext.PW1/C and acknowledgment thereof Ext.PW1/D. PW2 Anshul Prashar has proved the site plan Ext.PW2/A of the shop.

12 Respondent has placed on record the Rent Agreement Ext.R-1.

Civil Revision No. 32 of 2014

13 This Revision Petition has been preferred against judgment dated 25.2.2014 passed by the Appellate Authority/District Judge, Kullu in *Rent Appeal No. 94 of 2013 titled Vineet vs. Dinesh Kapoor*, whereby order dated 13.8.2013 passed by the Rent Controller Kullu in *Rent Petition No. 06 of 2009 titled Vineet vs. Dinesh Kapoor* dismissing the eviction petition preferred by petitioner/landlord, has been affirmed.

14 It is stand of the respondent that he was inducted as tenant by Hem Raj, who was father of petitioner, in the year 1987 and later on, he was continued as such by Smt. Gulabo (grandmother of petitioner) since 13.9.2003 and it has been denied that he was inducted as tenant by Gulabo on 13.9.2003 for the first time. Further that in terms of the agreement, he was continuously paying the rent to landlord and receipts have been duly issued in this regard in favour of respondent till 2009. It has been stated that petitioner has no right to determine the tenancy of shop inherited from Gulabo and petitioner is entitled to claim the rent only. It has further been stated that petitioner is carrying his business in the name and style of Jawala General Store, Bhutti Colony, since 2004 and his mother is a regular Government Teacher and his wife is also serving in a Company and

therefore, there is no bonafide requirement of petitioner to get the shop vacated.

15 Petitioner has examined himself as PW1 and PW2 Anshul Parashar as witness. Whereas, respondent Dinesh Kapoor has examined himself as RW1 and one witness RW2 Shyam Lal Thakur.

16 Petitioner has also placed on record in evidence the affidavit of petitioner Ext.PW1/A, notice Ext.P1, postal receipt Ext.P2, Acknowledgment Ext.P3, site plan Ext.P4.

17 Respondent has placed on record the affidavit of respondent Ext.RW1/A, copies of assessment registers Ext.RW1/B, Ext.RW1/C and Ext.RW1/D, Electricity Bill Ext.RW1/E, Telephone Bill Ext.RW1/F, receipts Ext.RW1/G and Ext.RW1/H, original receipt Ext.RW1/J, Agreement Ext.RW1/K, rent receipts Ext.RW1/L to Ext.RW1/Q, cheque Mark-X, postal receipt Ext.RW1/R and electricity bill Ext.RW1/S and affidavit of RW2 Shyam Lal Thakur as Ext.RW2/B.

FINDINGS OF CIVIL REVISION NOS. 4083 OF 2013 AND 32 OF 2014

18 Though eviction petitions were dismissed vide separate orders dated 17.4.2013 and 13.8.2013, but on identical grounds.

19 By referring provisions of Section 14(3)(a)(i) of the Rent Act, it had been observed that provisions for eviction on bonafide requirement for own occupation was available with respect to residential building only and the remedy for filing petition for eviction of tenants for non-residential building was not available to petitioner and accordingly, petition was held not maintainable.

20 Plea of bonafide requirement of petitioner was also rejected on the ground that he had been running shop since 2004 and in both cases, rent agreements were duly entered as Ext.RW1/K in Civil Revision No. 32 of 2014 and Ext.R-1 in Civil Revision No. 4083 of 2013, and the agreement with Vishal Sohal was entered in the year 2006 by the petitioner himself, whereas another agreement dated 13.9.2003 was entered by Gulabo Devi grandmother of petitioner with Vishal Sohal in the year 2003, and as per agreement, the tenancy was continuing whereas petitioner had completed his graduation in the year 2004 and in cross-examination, he had admitted that he was running a shop at Bhutti Colony and further that his mother was a teacher and, therefore, it was concluded that tenanted premises were not required bonafide by the petitioner as he was running his own business from another place and his mother was gainfully employed in the Education Department and, thus, it cannot be said that he was sole bread earner of his family, and accordingly, the rent petitions, preferred by petitioner, were dismissed.

21 The Appellate Authority vide respective impugned judgment(s) dated 19.10.2013 and 25.2.2014 affirmed the dismissal of eviction petitions with observation that the Rent Controller had rightly appreciated the evidence as well as law and facts on record.

22 I have heard learned counsel for parties and have also gone through record and case law referred.

23 Admittedly, prior to 16.03.2012, under Rent Act, there was no provision for seeking eviction on the ground of bonafide requirement from non-residential premises. However, after amendment carried out in Rent Act w.e.f. 16.3.2012 the eviction petition is maintainable on the ground of bonafide requirement from non-residential premises also.

24 Admittedly, petitions, in present case, were instituted on 23.12.2009. However, both petitions were decided after 16.3.2012 i.e. on 17.4.2013 and 13.8.2013. In this regard, I am in agreement with findings returned by learned Single Judge of this High Court in judgment dated 3.1.2019 passed in *Civil Revision No. 127 of 2016 titled Kewal Krishan Sehgal and others vs. Rajeshwar Kumar and another*, wherein maintainability of petitions, filed by landlord even prior to the amendment so carried out in the Rent Act, has been upheld. The relevant paras read as under:-

"11. It is not in dispute that the premises in question are 'non-residential'. It is further not in dispute that it was vide amendment carried out in the Rent Act which came into force w.e.f. 16.3.2012 that eviction could be sought from 'non-residential premises' on the ground of bonafide requirement. However, before the amendment was in fact carried out, the Hon'ble Supreme Court in *Harbilas Rai Bansal vs. State of Punjab 1995 (2) RCR 672 : (1996) 1 SCC 1*, struck down a same or similar provision that existed in the East Punjab Urban Rent Restriction Act wherein also there was no provision in the Rent Act seeking eviction on the ground of bonafide requirement of 'non-residential premises'. It was held that the provisions in the Rent Act which deprives the landlord of their right to seek ejection from the non-residential premises are

violative of Article 14 of the Constitution of India and classification created in this Act between residential and non-residential for bonafide of landlord has no reasonable nexus with the object sought to be achieved under the Rent Act. It was in this background that the Himachal Pradesh Urban Rent Control Act came to be amended and brought in conformity with the law as laid down in **Harbilas Rai Bansal's** case (supra). 12. Subsequently, the Hon'ble Supreme Court in **Satya Wati vs. Union of India 2008 (2) SLJ 721** and **Ashok Kumar vs. Ved Parkash (2010) 2 SCC 264**. In **Satya Wati's** case (supra) the Hon'ble Supreme Court was dealing with the Delhi Rent Act, whereas in **Ashok Kumar's** case (supra) , the Hon'ble Supreme Court was dealing with the Haryana Rent Control Act that was the subject matter of the lis. In **Ashok Kumar's** case it was specifically held that it will not make difference that **Harbilas's** case was under the Rent Act enacted by the legislature of State of Punjab, whereas the Haryana Rent Act was enacted by the different legislature of the State of Haryana and, therefore, negated the contention that because of the legislature having been enacted by two different States, the ratio in **Harbilas** case would not apply as was contended by the tenants therein. Rather the Hon'ble Supreme Court held that the judgment in **Harbilas** was applicable to the Haryana Rent Act as it has persuasive value for the Court while considering the constitutionality of a very similar provision albeit in different Legislation. It shall be apposite to refer to the relevant provisions as contained in paras 21 to 24 of the judgment, which reads thus:

"21. Thus, in view of the overall discussions made hereinabove, we are unable to accept the submission of the learned counsel for the appellant that an eviction petition filed by a landlord for eviction of a tenant cannot be filed under [Section 13](#) of the Act when such eviction proceeding relates to a non-residential building.

22. Before parting with this Judgment, a short submission of the learned counsel for the appellant needs to be dealt with. According to the learned counsel for the appellant, the case of *Harbilas (supra)* and *Rakesh Vij vs. Dr. Raminder Pal Singh Sethi*, (2005) 8 SCC 504, were rendered on the amendments made to East Punjab Rent Act, whereas the case of *Mohinder Prasad Jain vs. Manohar Lal Jain*, (2006) 2 SCC 724 and the issue before us concerned removing a classification which existed from the inception of the legislation. Therefore, according to the learned counsel for the appellant, a decision and reasoning concerning East Punjab Rent Act cannot apply to a question with respect to the present Act because both the legislations are products of different legislatures and the rationale behind one cannot be compared at par with that of the other.

23. The learned counsel for the appellant, in support of this contention, relied on a decision of this Court in the case of *State of Madhyapradesh v. G.C.Mandawar*, AIR 1954 SC 493 and strong reliance on para 9 of this decision was pressed by the learned counsel for the appellant, which may be quoted :-

"9....It is conceivable that when the same Legislature enacts two different laws but in substance they form one legislation, it might be open to the Court to disregard the form and treat them as one law and strike it down, if in their conjunction they result in discrimination. But such a course is not open where, as here, the two laws sought to be read in conjunction are by different Governments and by different legislatures."

24. *There is no quarrel in the aforesaid principle laid down by this Court in the aforesaid decision. However, we do not see why the decision concerning one legislation cannot hold persuasive value for the Court while considering the constitutionality of a very similar provision, albeit in a different legislation.”*¹¹.

*It is not in dispute that the premises in question are ‘non-residential’. It is further not in dispute that it was vide amendment carried out in the Rent Act which came into force w.e.f. 16.3.2012 that eviction could be sought from ‘non-residential premises’ on the ground of bonafide requirement. However, before the amendment was in fact carried out, the Hon’ble Supreme Court in **Harbilas Rai Bansal vs. State of Punjab 1995 (2) RCR 672 : (1996) 1 SCC 1**, struck down a same or similar provision that existed in the East Punjab Urban Rent Restriction Act wherein also there was no provision in the Rent Act seeking eviction on the ground of bonafide requirement of ‘non-residential premises’. It was held that the provisions in the Rent Act which deprives the landlord of their right to seek ejection from the non-residential premises are violative of Article 14 of the Constitution of India and classification created in this Act between residential and non-residential for bonafide of landlord has no reasonable nexus with the object sought to be achieved under the Rent Act. It was in this background that the Himachal Pradesh Urban Rent Control Act came to be amended and brought in conformity with the law as laid down in **Harbilas Rai Bansal’s case (supra)**.*

12. Subsequently, the Hon’ble Supreme Court in **Satya Wati vs. Union of India 2008 (2) SLJ 721** and **Ashok**

Kumar vs. Ved Parkash (2010) 2 SCC 264. In *Satya Wati's* case (supra) the Hon'ble Supreme Court was dealing with the Delhi Rent Act, whereas in *Ashok Kumar's* case (supra) , the Hon'ble Supreme Court was dealing with the Haryana Rent Control Act that was the subject matter of the lis. In *Ashok Kumar's* case it was specifically held that it will not make difference that *Harbilas's* case was under the Rent Act enacted by the legislature of State of Punjab, whereas the Haryana Rent Act was enacted by the different legislature of the State of Haryana and, therefore, negated the contention that because of the legislature having been enacted by two different States, the ratio in *Harbilas* case would not apply as was contended by the tenants therein. Rather the Hon'ble Supreme Court held that the judgment in *Harbilas* was applicable to the Haryana Rent Act as it has persuasive value for the Court while considering the constitutionality of a very similar provision albeit in different Legislation. It shall be apposite to refer to the relevant provisions as contained in paras 21 to 24 of the judgment, which reads thus:

"21. Thus, in view of the overall discussions made hereinabove, we are unable to accept the submission of the learned counsel for the appellant that an eviction petition filed by a landlord for eviction of a tenant cannot be filed under Section 13 of the Act when such eviction proceeding relates to a non-residential building.

22. Before parting with this Judgment, a short submission of the learned counsel for the appellant needs to be dealt with. According to the learned counsel for the appellant, the case of Harbilas (supra) and Rakesh Vij vs. Dr. Raminder Pal Singh Sethi, (2005) 8 SCC 504, were rendered on the amendments made to East Punjab Rent Act, whereas the case of Mohinder Prasad Jain vs. Manohar Lal Jain, (2006) 2 SCC 724 and the issue before us concerned removing a classification which existed from the inception of the legislation. Therefore, according to the learned counsel for the

appellant, a decision and reasoning concerning East Punjab Rent Act cannot apply to a question with respect to the present Act because both the legislations are products of different legislatures and the rationale behind one cannot be compared at par with that of the other.

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"9...It is conceivable that when the same Legislature enacts two different laws but in substance they form one legislation, it might be open to the Court to disregard the form and treat them as one law and strike it down, if in their conjunction they result in discrimination. But such a course is not open where, as here, the two laws sought to be read in conjunction are by different Governments and by different legislatures."

24. There is no quarrel in the aforesaid principle laid down by this Court in the aforesaid decision. However, we do not see why the decision concerning one legislation cannot hold persuasive value for the Court while considering the constitutionality of a very similar provision, albeit in a different legislation."

13. As observed above, the provisions of Rent Act have now been amended and brought in conformity with the judgment laid down in *Harbilas* case (supra). The Hon'ble Supreme Court in *Hari Dass Sharma vs. Vikas Sood and others (2013) 5 SCC 243* has itself applied the provisions of the

amending Act to the pending proceeding before it as would be evident from para-19 of the report which reads thus:

“19. We accordingly allow the appeals, set aside the directions contained in para 27 of the impugned judgment of the High Court, but grant time to the respondents to vacate the building within three months from today. We make it clear that it will be open for the respondents to apply for re-entry into the building in accordance with the proviso to clause (c) of Section 14(3) of the Act introduced by the Amendment Act, 2009. Considering, however, the peculiar facts and circumstances of the cases, there shall be no order as to costs.”

14. In view of the law expounded in *Hari Dass* case (supra), it can conveniently be held that the provisions of the amending Act have retrospective operation and this was so noticed by learned Division Bench of this Court in *Chaman Lal Bali vs. State of Himachal Pradesh and another AIR 2016 (HP)168*.

15. In view of the aforesaid discussion, it can conveniently be held that the eviction petition filed by the landlord even prior to the amendment so carried out in the Rent Act, was maintainable.”

25 In evidence led by petitioner, it has come on record that after completing his graduation, he tried to get job but he did not get job. He took admission in ITI for completing the Draftsman course but even thereafter, he could not get job and tried to earn his livelihood by opening a shop in Bhutti Colony in rented premises. In cross-examination he has stated that he had been running a Karyana shop in Bhutti Colony in the rented shop. In cross-examination of respondent, respondent has also admitted that it was correct that

petitioner was intending to start Manyari shop in the demised premises but with clarification that respondent was not having knowledge about it. It has also been admitted that at the time of issuing notice to respondent, petitioner was running his shop belonging to someone else and said shop was in Gram Panchayat area whereas premises in reference are situated in NAC Bhuntar. Dinesh Kapoor has also admitted that he was owner of 3½ storey building at Shamshi in ground floor which consists two rooms set and garage in the ground floor and entire building was being used by him for residential purpose and the said building is situated on National Highway and falling in Notified Area Committee and wife of Dinesh Kapoor was Ayurvedic Doctor and serving in Khokhan hospital and his two daughters were completing the law graduation from Delhi and Bombay.

26 In cross-examination, Vishal Sohal has also admitted that he was owner of building at Shamshi. He has also admitted that near the petrol pump in front of Dr.Roshan Lal Clinic, he was having his own building with clarification that building belonged to his father. He has admitted that in the said building, there was one Office and there was no garage. He has admitted that Lucky Medical Store, Behal Clinic and Dr. Rajender's Clinic were in Manikaran Chowk. He has also admitted that he had not paid any rent to the petitioner after 31st March, 2009.

27 From the aforesaid material on record, it is apparent that petitioner is unemployed; he was running a shop in rented premises in Gram Panchayat area whereas his own shops are situated in Notified Area Committee in the middle of Bhuntar bazar having the potential of good business.

28 For earning the livelihood, running a shop in tenanted premises cannot be used to dispel the claim of landlord to get his own shops which have higher potential of business on the ground that landlord is running the shop that too in the Gram Panchayat area. Though mother of petitioner was a teacher but as of now she is stated to have retired and getting pension but it cannot be a ground to deprive the landlord to get the premises vacated for settling him in a business because mother is not going to support forever. She is at fag end of life and her pension cannot be treated sufficient or alternative means to meet the requirement of family particularly on enlargement of family as on enlargement of family, the amount shall also be required for upbringing and education of children of petitioner. Petitioner cannot bank upon the salary or pension of his mother, which is not a permanent source of livelihood for him. The facts which have been considered by the Rent Controller to dispel the claim of bonafide requirement are not justified to disbelieving the bonafide requirements of petitioner to get the shops vacated to earn livelihood for maintaining him and his family. The fact that landlord was running a shop in rented premises is more than sufficient to establish the

bonafide of petitioner/landlord for requirement of demised premises for running his shop. It is not a case where he is only proposing hypothetically but he tried to run a shop in tenanted premises but may be for location at a disadvantageous place, the petitioner/landlord was compelled to vacate the said shop. Even if he had been running the business from the rented premises at the time of filing of petition then also despite his own commercial premises building in Bhuntar Bazar, which is best suited for any business as also admitted by respondent the bonafide requirement of landlord stood duly established, he cannot be compelled to run the shop in rented premises situated at disadvantageous location.

29 Following paras of pronouncement of the Apex Court in *Civil Appeal No. 3222 of 2025 (Arising out of SLP(C) No. 21965 of 2022 titled Kanahaiya Lal Arya vs. MD. Eshhan and others , decided on 25.2.2025* are also relevant:-

“10. The law with regard to eviction of a tenant from the suit premises on the ground of bona fide need of the landlord is well settled. The need has to be a real one rather than a mere desire to get the premises vacated. The landlord is the best judge to decide which of his property should be vacated for satisfying his particular need. The tenant has no role in dictating as to which premises the landlord should get vacated for his need alleged in the suit for eviction.

11. In the case at hand, the appellant-landlord may be having some other properties under tenancy of various persons but once he has decided to get the suit premises

vacated for the bona fide need of establishing an ultrasound machine for his two unemployed sons, he cannot be forced to initiate such a proceeding against the other tenants. It is for the appellant-landlord to take a decision in this regard and once he has decided to get the suit premises vacated, no error or illegality could be pointed out in his decision. Secondly, it has come on record by clear finding of the court of first instance that the suit premises is the most suitable accommodation for establishing an ultrasound machine. The reason being that it is situated adjacent to a medical clinic and a pathological centre and is the most appropriate place for establishing any medical machine. Moreover, the appellant-landlord has also proved his capacity to invest in purchasing/establishing an ultrasound machine and that his two sons are unemployed and as such the suit premises is required to establish them.

12. Insofar as the issue that his two unemployed sons do not have any expertise/training to run the ultrasound machine, the argument is without any substance. It is common knowledge that these days medical devices such as ultrasound machines are installed and established and are ordinarily run by the technicians or the medical experts who are engaged for the said purpose. The person establishing such devices or ultrasound machines himself need not have any expertise in running the same. Therefore, the Appellate Court and the High Court were not justified in disbelieving the bona fide need of the appellant landlord solely on the ground that his two sons do not possess any expertise for running an ultrasound machine.”

30 This High Court in *Jagat Ram Chauhan vs. Smt. Avinash Partap and another*, reported in *Latest HLJ 2014 (HP) 420*, after considering various pronouncements of the Apex Court, has held that landlord is the best judge of his residential requirement and the suitability of the alternative premises has to be determined on the basis of convenience of the landlord and the members of his family and also considering totality of circumstances, law does not demand that the landlord be prevented from living in comfort in his own house and be forced to live in inadequate premises in order that tenant's occupancy of tenanted premises be protected and it further held that the landlord can chose either or any of two or more tenanted premises and the choice of landlord is not to be questioned by tenant once the landlord proves his bonafides to the objective to the satisfaction of the Court on facts and the choice of accommodation which would satisfy his requirement should be left to landlord's subjective choice and the Court cannot impose its own choice upon him. It is further held hat the terms "his own occupation" for his "own use" and "for occupation of himself" are not be assigned a narrow meaning and these phrases include requirements of members of family of landlord and those dependent upon him and also that in such eventuality building permission is not condition precedent when the landlord is seeking eviction of the tenant in order to make any repairs, which cannot be carried out without the eviction of tenant. I am also in agreement with judgment of Punjab and Haryana High

Court pronounced in *Vijay Kumar vs. Rajeev Kumar Murria* reported in *2012(1) Civil Court Cases 428 (P&H)* wherein it is held that landlord is the best judge of his need and tenant cannot dictate terms with regard to suitability of the accommodation.

31 It is more than settled that the landlord is best judge to decide the utility of premises to enhance/augmentation of his income and tenant cannot dictate the terms with respect to the suitability and utility of premises which is to be adjudged by the landlord. Therefore, running a business from a tenanted premises cannot a ground to reject the plea of bonafide requirement of landlord. It is an admitted fact that tenants are having their own accommodation at nearby place that too at commercially viable places and therefore, their bonafide requirement to continue the possession of rented premises is also under cloud.

32 From the aforesaid discussion, it is apparent that the Courts below have failed to appreciate the material on record in right perspective and impugned order and judgment suffer from perversity. Tenants/respondents shall be liable to be evicted on the ground that demises premises is required by petitioner/landlord for use and occupation for the purpose of own business. Therefore, they are to be directed to vacate the premises.

33 Accordingly, both petitions are allowed and impugned order dated 17.4.2013 passed by the Rent Controller in Rent Petition No. 05 of 2009 and affirmed by the Appellate Authority vide

judgment/order dated 19.10.2013 passed in Rent Appeal No. 22 of 2013; and order dated 13.8.2013 passed by the Rent Controller in Rent Petition No. 06 of 2009 and affirmed by the Appellate Authority vide judgment/order dated 25.2.2014 passed in Rent Appeal No. 94 of 2013, are set aside and respondents in both petitions are directed to vacate the premises in reference on or before **31st December, 2025.**

34 In case the premises are not vacated by tenants on or before 31st December, 2025, then apart from facing other consequences the tenants shall also be liable to pay use and occupation charges at the rate of Rs.30000/- each per month from the date of filing of eviction petitions till vacation.

Petitions are disposed of accordingly, including all pending miscellaneous application(s), if any.

(Vivek Singh Thakur),
Judge.

11th November, 2025(MS)