2026:PHHC:135624

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. 8936-CII of 2024 in/and
C.R. No.4387 of 2019

Gajinder Singh (deceased) through his LRs **…Petitioners**

Versus

Bhupinder Singh **…Respondent**

Reserved on: September 18, 2026
Pronounced on: September 21, 2026
Pronounced fully/operative part : Fully

* * * *

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued By:- Mr. RPS Wasu, Advocate, for the petitioners.

Mr. Nitin Jain and Ms. Rishika Mangla, Advocates,
for respondent No.1.

DEEPAK GUPTA, J.

This order shall dispose of **C.R. No. 4387 of 2019**, filed by the petitioners-tenants *(legal representatives of the original tenant, late Gajinder Singh)* under Section 15(6) of the Haryana Urban (Control of Rent and Eviction) Act, 1973 *(for short, "the Act"),* assailing the Order dated 05.02.2019 passed by the learned Appellate Authority, Yamuna Nagar at Jagadhari, whereby the appeal preferred against the Order dated 25.03.2014 passed by the learned Rent Controller, Yamuna Nagar at Jagadhari, allowing the ejectment petition of respondent No.1-landlord, was dismissed. On the very same date, a composite order was also passed dismissing three applications moved by the petitioners for leading additional evidence.

2. During proceedings of this revision, **C.M. No. 8936-CII of 2024** has been filed by the petitioners under Order 41 Rule 27(1)(aa) read with

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2026.09.21 17:45
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Section 151 of the Code of Civil Procedure, 1908 ("the Code"), seeking permission to place on record a photocopy of the Tax Demand and Collection Register of Ward No. 6 for the year 2008-09 of Municipal Council, Yamuna Nagar (Annexure P/29), which is also being taken up and disposed of by this common order, both having been heard together.

FACTUAL MATRIX

3. The demised premises form part of residential house No. 602, Santpura Road, Model Town, Yamuna Nagar consisting of two rooms, a verandha, gallery, kitchen, latrine and bathroom, the southern room abutting and opening towards the south under the stairs, as shown in the site plan filed with the ejectment petition.

4. The original tenant, Gajinder Singh, has been in occupation of the demised premises since 1982 at a monthly rent of ₹ 250/-, inclusive of house tax and exclusive of electricity and water charges, under the erstwhile owners. During the pendency of an earlier round of litigation *(C.R. No. 1409 of 1998, arising from an earlier eviction order against the tenant),* respondent No. 1, who runs Gaba Hospital, Yamuna Nagar, purchased the demised house vide registered sale deed No. 1452 dated 12.06.2007 and got himself impleaded in the said revision, which came to be allowed on 23.08.2012, setting aside the earlier eviction order.

5. On 20.03.2008, respondent No. 1, as the new owner, instituted the ejectment petition under Section 13 of the Act on three grounds: (i) bona fide personal necessity, on the plea that the accommodation available to him within the hospital premises had become insufficient on account of expansion of the hospital, cohabitation with his father-in-law and mother-in-law, and his desire to reside near the Gurudwara and the market; (ii) nuisance and harassment; and (iii) cessation of occupation by the tenant for more than four months, a ground not ultimately pressed and dismissed as withdrawn vide order dated 25.01.2011.

6. In the written statement, besides contesting the grounds of ejectment on merits, the tenant raised a preliminary objection that the

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2026.09.21 17:45
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petition suppressed and concealed material facts, with particular reference to Section 13(3)(a)(i) of the Act, which requires a landlord seeking eviction of a residential building on the ground of personal necessity to aver that he is not occupying another residential building in the urban area concerned and has not, without sufficient cause, vacated such a building after the commencement of the Act within that urban area. The tenant furnished particulars of several residential properties said to be in the occupation of respondent No. 1 and members of his family — his wife, son, father-in-law and mother-in-law. It was additionally pleaded that persons of substantial means are commonly known to invest surplus wealth in real estate at consideration lower than actual, and that respondent No. 1 had purchased the demised house for ₹ 48 lacs though the sale deed was registered for ₹ 28,52,000/- only.

7. On these pleadings, the following issues were framed on 07.04.2009:

(1) Whether the respondent is liable to be ejected on the ground of bona fide personal necessity of the petitioner? OPP.

(2) Whether the respondent is liable to be ejected on the ground of nuisance and harassment of the petitioner? OPP.

(3) Whether the respondent has ceased to occupy the premises for the last more than four months, and if so, its effect? OPP.

(4) Whether the petition is not maintainable? OPR.

(5) Whether the petitioner has not come to the Court with clean hands? OPR.

(6) Whether the petitioner has played fraud upon the Court as well as the respondent? OPR.

(7) Relief.

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2026.09.21 17:45
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8.1 In support of his case, respondent No. 1 – landlord stepped into the witness box as PW2 and examined Jatinder Nath Kashyap as PW1 and Vinod Kumar Lamba as PW3, tendering Ex.P1 to Ex.P5.

8.2 In rebuttal, the tenant stepped into the witness box as RW8 and examined seven other witnesses (RW1 to RW7), who are officials, inter alia, of the office of the Sub-Registrar, the HUDA Estate Office, the local police and the Municipal/Assessment authorities; and placed on record, among other documents - Ex.R1 (order dated 23.08.2012 passed by this Court in C.R. No. 1409 of 1998); Mark R1 and Mark R2 (house-tax assessment forms); Ex.RW2/A to RW2/C (re-allotment letters); Ex.RW3/1 (copy of DDR entry No.15); Ex.RW4/1 to RW4/9 (correspondence, a rent deed dated 03.08.2012, site plans, the assessment register, and orders relating to the requisition and subsequent de-requisition of the property at Ex.RW6/1 for housing a judicial officer, under the Haryana Requisition and Acquisition of Immovable Property Act, 1973); and Ex.RW6/1 to RW6/13 - thirteen registered sale deeds, spanning from years 2001 to 2013, evidencing purchase of various immovable properties by respondent No. 1 and members of his family.

9. Vide Order dated 25.03.2014, the Ld. Rent Controller took up Issues No. 1 and 4 to 6 together, as interlinked, and Issues No. 2 and 3 separately, and held as follows: -

- Issues No. 1 and 4 to 6, pertaining to personal necessity, maintainability, clean hands and fraud, were decided in favour of respondent No. 1-landlord, by holding that: -

    ◦ "Occupation" and "ownership" are distinct concepts, and mere ownership of multiple properties does not disentitle a landlord from seeking eviction on the ground of personal necessity;

    ◦ The property at Ex.RW6/1 stood requisitioned by the District Administration for a judicial officer, so that its non-occupation by the landlord was not a voluntary vacation "without sufficient cause";

    ◦ The property at Ex.RW6/2 was a vacant plot;

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2026.09.21 17:45
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◦ A landlord who has devoted his working life to his profession is entitled to live comfortably in a property of his choosing and cannot be compelled to forgo that choice merely because he owns other properties, relying on ***Siddalingamma v. Mamtha Shenoy, 2001(2) RCR (Rent) 539***, and ***Dr. Satpal Behal v. Kamla Rani @ Kamlesh Rani, 2008(1) HRR 54;***

◦ Even where a landlord owns more than one premises, he cannot be expected not to manage his properties so as to extract maximum benefit therefrom, and cannot be denied the right to seek possession of the tenanted premises merely because he owns other properties;

◦ Non-dependence of family members upon the landlord does not defeat the claim of personal necessity; and

◦ The plea of evasion of stamp duty/fraud in the purchase of the demised house was not established, there being no documentary proof and the cross-examination of the vendor of the demised house not being, by itself, sufficient, fraud requiring proof to the standard of a criminal charge.

- Issue No. 2, pertaining to nuisance, was decided against the landlord, holding that Section 13(2)(iv) of the Act contemplates a continuous course of conduct and not a solitary incident, and that mere putting of a lock on the common entrance does not, without more, amount to any nuisance.

- Issue No. 3 was dismissed as not pressed.

In the result, the ejectment petition was allowed solely on the ground of personal necessity.

10. The tenant preferred an appeal on 26.04.2014. During its pendency, three successive applications for leading additional evidence were moved — on 16.07.2014, 11.12.2018 and 16.01.2019 *(Annexures P/1 to P/3)*, mainly to substantiate the plea that respondent No. 1 – landlord had been purchasing residential properties as an investment rather than out of bona fide necessity, and to place on record subsequent events, namely, the death,

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2026.09.21 17:45
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during the pendency of the litigation, of respondent No. 1's wife, father-in-law and mother-in-law, whose alleged cohabitation had itself been pleaded as a ground of insufficiency of accommodation, and the purchase of a further residential house in the same locality vide sale deed dated 25.03.2013 *(Annexure P/23).*

11. By a composite order dated 05.02.2019, the Ld. Appellate Authority dismissed all three applications for additional evidence, and by a separate Order of the same date, dismissed the appeal by affirming the finding on Issue No. 1 (personal necessity), reversing the finding on Issue No. 2 (nuisance) and holding that it was proved against the tenant. It was held that subsequent events are not to be taken into consideration; that ownership and occupation remain distinct elements, and that fraud cannot be presumed against a landlord.

12. It is this Order dismissing the appeal, and the composite order dismissing the three applications, which are impugned in the present revision.

13. During the pendency of the present revision, the petitioners have additionally moved **C.M. No. 8936-CII of 2024**, seeking to place on record a photocopy of the Tax Demand and Collection Register of Ward No. 6 for the year 2008-09 of Municipal Council, Yamuna Nagar *(Annexure P/29),* stated to have been obtained, after considerable effort, from the Municipal Corporation, Yamuna Nagar-Jagadhari, following the reorganisation of the local civic body. It is averred that the said register shows that for the very year, in which the ejectment petition was instituted, two separate properties in Ward No. 6 — Property CC No. 2825-07, standing in the name of "Dr. Bhupinder Gaba", was entered as commercial across four floors; whereas Property CC No. 2826-07, standing in the name of "Bhupinder Singh Gaba", was entered as residential (ground and first floor), which, according to the petitioners - applicants, is inconsistent with the pleading in paragraph 6 of the ejectment petition that the residential accommodation with the landlord "is part of hospital", and has bearing directly upon Issue No. 5.

SARITA RANI
2026.09.21 17:45
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14. Needless to say that aforesaid application is vehemently opposed by the respondent-landlord.

CONTENTIONS OF THE PETITIONERS/TENANTS

15. Learned counsel for the petitioners – LRs of original tenant, in the written synopsis, has raised, in substance, the following contentions:

(i) Scope of interference : Relying upon the Constitution Bench judgment of Hon'ble Supreme Court in ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh (2014) 9 SCC 78***, it is submitted that although the High Court, in the exercise of revisional jurisdiction under Section 15(6) of the Act, is not to re-appreciate evidence as would a first appellate court, it is nonetheless obliged to satisfy itself that the finding recorded below is "according to law" and does not suffer from any error of law. Reliance is placed on ***C. Venkata Swamy v. H.N. Shivanna (D) [SC], Law Finder Doc Id # 939933,*** and on ***Deena Nath v. Pooran Lal, Law Finder Doc Id # 3566*** for the propositions that Order 41 Rule 31 of the Code obliges the appellate court to record, issue-wise, the points for determination, the decision thereon and the reasons for the decision, and that failure to apply the statutory provisions to the evidence in proper perspective renders the resultant finding vitiated in law.

(ii) Alleged pre-determined approach : It is submitted that paragraph 11 of the impugned Order, which observes that the litigation is between "a qualified doctor" and two legal heirs of the tenant, who are "sitting lawyers of the District Bar Association Yamuna Nagar, who have ample time to pursue the litigation" and are, for that reason, "reluctant to vacate the demised premises", demonstrates that the appeal was approached upon an impermissible comparison of the social and professional status of the parties, vitiating the impugned Order on the touchstone of "legality and propriety" under Section 15(6) of the Act.

(iii) Issue No. 1 — Personal necessity : It is contended that the evidence of PW1 Jatinder Nath Kashyap *(Annexure P/20),* PW2-landlord *(Annexure P/8)* and PW3 Vinod Kumar Lamba *(Annexure P/21)* was not properly considered; that the residential accommodation held by respondent No. 1 - landlord's

SARITA RANI
2026.09.21 17:45
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wife, son, father-in-law and mother-in-law, cohabitation with whom was pleaded as contributing to the insufficiency, was left out of reckoning; and that the death of three of these very family members during the pendency of the litigation, said to bear directly on the plea of insufficiency, was wrongly excluded from consideration.

(iv) Issue No. 2 — Nuisance : It is submitted that the Appellate Authority reversed a reasoned finding of the Rent Controller in the tenant's favour without recording any finding on *Annexure P/24* (Ex.RW3/1 — copy of DDR No.15) or *Annexure P/25* (letter addressed to the SHO), both relied upon by the tenant to show that it was he, and not the landlord, who was subjected to harassment.

(v) Issue No. 4 — Maintainability : It is submitted that the onus to establish non-maintainability under Section 13(3)(a)(i) of the Act stood discharged by the tenant through documentary evidence, including *Annexure P/19* (Ex.RW6/1 — sale deed No.6252 dated 22.12.2006 of a house in the same locality) and *Annexure P/11* (Ex.RW4/2 — rent deed showing the same house let out during the pendency of the ejectment petition), besides other properties (Ex.RW6/2, RW6/3, RW-2/A, RW-2/B, RW-2/C and RW6/7 to RW6/10) said to be in the occupation of the landlord and his family, of which, other than Ex.RW6/1 and RW6/2, none has been specifically dealt with by either court.

(vi) Issues No. 5 and 6 — Clean hands and fraud : It is contended that non-disclosure of the aforesaid properties, coupled with the averment in paragraph 14 of the ejectment petition, and the material sought to be produced through C.M. No. 8936-CII of 2024, indicating that a residential unit distinct from the hospital already existed in the landlord's name in the very year the petition was instituted, contrary to the pleaded case in paragraph 6 that the residence "is part of hospital", amounts to concealment and misrepresentation of vital facts.

(vii) Effect of letting-out of a similarly situated house : It is submitted that the house reflected in Ex.RW6/1 was repeatedly let out, including under

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2026.09.21 17:45
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requisition to a judicial officer (Ex.RW4/1 to RW4/9, *Annexures P/9 to P/17*) and, upon de-requisition *(Annexure P/22),* again came within the disposal of the landlord, an aspect said to be on all fours with this Court's decision in ***Hukam Chand v. Sushma Jindal, 2024 (1) RCR (Rent) 167.***

(viii) Adverse inference : It is submitted that respondent No. 1 - landlord having failed to examine his wife, son, father-in-law or mother-in-law, an adverse inference under Section 114(g) of the Indian Evidence Act, 1872 ought to have been drawn. Reliance is placed on ***Dalip Singh v. Jagadev Singh, 2011(23) RCR (Civil) 167.***

(ix) Additional evidence applications : It is submitted that the three applications *(Annexures P/1 to P/3)* were dismissed by the composite order dated 05.02.2019 without independent reasons on their bearing upon the grounds of ejectment.

16. On the above grounds, it is prayed that the impugned Order be set aside and the matter be remitted to the Appellate Authority for a fresh, issue-wise hearing in accordance with law.

CONTENTIONS OF RESPONDENT NO. 1/LANDLORD

17. Learned counsel for respondent No. 1, resists the revision petition as well as the application for additional evidence, on the following main grounds:

(i) Concurrent findings : It is submitted that both courts below have concurrently found in favour of the landlord on personal necessity (Issue No. 1), and, before the Appellate Authority, on nuisance (Issue No. 2) as well; and that such concurrent findings ought not to be lightly disturbed in the limited revisional jurisdiction available under Section 15(6) of the Act.

(ii) Subsequent events and delay : On the plea that the death of family members ought to have reduced the claimed insufficiency, reliance is placed on ***Hukum Chandra v. Nemi Chand Jain, (2019) 13 SCC 363,*** and ***D. Sasi Kumar v. Soundararajan, (2019) 9 SCC 282***, for the proposition that bona fide requirement, once established as on the date of institution, subsists

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2026.09.21 17:45
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irrespective of delay, and that declining relief on account of delay would only encourage tenants to protract litigation.

(iii) Ownership distinct from occupation : It is submitted that ownership and occupation are distinct elements, as held in ***Rajan Khera v. Ramesh Kumar, 2025(1) RCR (Rent) 215*** and that non-disclosure of ownership of other properties is not fatal, where the landlord is able to explain that such properties are unsuitable for the projected use. Reference is made to ***Suresh Chand Goyal v. Kali Charan, 2019 (1) RCR (Rent) 391; Naresh Yadav v. Budh Parkash Tayal, 2023-2-RCR (Rent) 132;*** and ***Om Parkash v. Mohinder Sachdeva, 2019 (2) RCR (Rent) 650.*** It is submitted that respondent No. 1 - landlord, in his cross-examination as PW2, explained why the other properties were unsuitable for the projected residential use.

(iv) Landlord's choice of residence : It is submitted that a tenant cannot dictate to the landlord, where he ought to live, by placing reliance on ***Delhi Cloth and General Mills Co. Ltd. v. Asha Rani, 2025 AIR CC 3419;*** and ***Arjun Dass v. Smt. Birinder Kaur, 2013 (2) PLR 108.***

(v) Compulsory requisition : It is submitted that the requisition of the property reflected in Ex.RW6/1 for housing judicial officers, under the Haryana Requisition and Acquisition of Immovable Property Act, 1973, was compulsory and at the instance of the District Administration; and that it cannot be equated with voluntary vacation of a residential building by the landlord, nor can the property be said to remain "in occupation" of the landlord during requisition.

(vi) Dilatory conduct : It is highlighted that the Appellate Authority itself noted, in paragraph 11 that the tenants, being two practising lawyers, had filed ten applications before it, including three for additional evidence and have, before this Court as well, filed further applications, indicative of dilatory tactics, particularly having regard to the advanced age of respondent No. 1 - landlord, who is about 80 years old and has lost his wife during the pendency of this very litigation.

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2026.09.21 17:45
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ANALYSIS AND REASONING

18. This court has considered submissions made by Ld. Advocates for both sides made orally as well as by way of written synopsis; and has also perused the record.

(A) Scope of revisional jurisdiction under Section 15(6) of the Act :

19. Section 15(6) of the Act empowers this Court, as revisional authority, to satisfy itself as to the "legality or propriety" of the order or proceedings under challenge. As explained by the Constitution Bench of the Hon'ble Supreme Court in ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh (supra)***, this power is narrower than that of a first appellate court and does not extend to re-appreciation of evidence for its own sake. It permits interference only where, (i) a finding is perverse, (ii) has been arrived at without consideration of material evidence, (iii) is based on no evidence or a misreading of evidence, or (iv) is grossly erroneous to the extent that if allowed to stand, it would occasion a miscarriage of justice.

20. Where the courts below have applied the correct legal test, considered the evidence, and arrived at a possible view, the fact that another view could also have been taken does not clothe this Court with jurisdiction to substitute its own appreciation for that of the courts below, more so where, as here, the finding on the principal ground of eviction is concurrent.

21. Equally, while Order 41 Rule 31 of the Code requires an appellate court to record, issue-wise, the points for determination, the decision thereon and reasons, what the law requires is substantial, not literal or mechanical, compliance. Where an Order, read as a whole, reveals that the appellate authority has applied its mind to each of the controversies raised and has assigned reasons, howsoever concisely, for the conclusion reached, the absence of a formally separate discussion of every document or sub-argument does not, without more, render the finding to be "not according to law".

SARITA RANI
2026.09.21 17:45
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22. It is by keeping in mind the above principles and the restraint that they import that the contentions of the parties are being examined below.

(B) C.M. No. 8936-CII of 2024 — Application for additional evidence (Annexure P/29)

23. Order 41 Rule 27(1)(aa) of the Code permits additional evidence at the appellate/revisional stage only where the applicant establishes that, notwithstanding the exercise of due diligence, the evidence was not within his knowledge or could not, after due diligence, have been produced earlier. It is not intended to give a litigant a second opportunity to fill gaps in the evidence after an unfavourable finding, nor to reopen a concluded record merely because a document, always available for the asking, was not summoned at the appropriate stage.

24. The document now sought to be produced is a copy of a public register maintained by the municipal authority. Such a document was, at all material times, equally accessible to the petitioners by means of a certified copy applied for from that authority, and no explanation is forthcoming as to why it could not have been obtained during the trial period of 2008 to 2014, when the very plea of concealment regarding the landlord's residential accommodation was already raised as a preliminary objection or, at the latest, during the pendency of the appeal period of 2014-2019, when three applications for additional evidence were in fact moved on cognate grounds.

25. The present application has been filed in 2024, years after the appeal itself came to be dismissed, on the general explanation that the document was obtained "after a lot of persuasion" following re-organisation of the civic body, an explanation that falls short of the due diligence, which the provision demands, particularly since the concerned authority was, at all times, equally approachable by the petitioners.

26. Nor is the document shown to be necessary "to enable the Court to pronounce Order" within the meaning of Order 41 Rule 27(1)(b). On its own showing, the register records the classification, for local tax purposes, of

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2026.09.21 17:45
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covered area described as connected with the hospital premises, the entries standing in the names of "Dr. Bhupinder Gaba" and "Bhupinder Singh Gaba", both descriptions of respondent No. 1 - landlord. A municipal record classifying certain covered area within a composite hospital-cum-residence complex as "residential" and other covered area as "commercial" does not, without more, establish the existence of a separate, independent residential house of the kind contemplated by Section 13(3)(a)(i) of the Act. if anything, it sits consistently with, rather than in contradiction of, the landlord's own pleaded case that a residential portion attached to the hospital exists and has become insufficient. The document is accordingly not shown to carry the probative weight the petitioners attribute to it, and its exclusion occasions no prejudice.

27. For the above reasons, C.M. No. 8936-CII of 2024 is dismissed.

(C) The observations in paragraph 11 of the impugned Order

28. Paragraph 11 of the impugned Order passed by the Appellate Authority records certain observations regarding the professional occupation of two of the tenant's legal heirs, and their "reluctance to vacate" the demised premises. Such observations, prefacing an issue-wise adjudication under a special statute, would have been better left unsaid, since Section 13 of the Act admits of no consideration of the comparative social or professional standing of the parties, and this Court does not approve of the manner in which the observation is couched.

29. That, however, is not sufficient, by itself, to vitiate the impugned Order. What Section 15(6) requires this Court to examine is the legality and propriety of the order actually passed, and not merely the felicity of the language, in which incidental observations are couched.

30. The impugned Order does not stop at paragraph 11. It proceeds, issue-wise, to record findings on personal necessity (paragraph 14), maintainability and ownership/occupation (paragraph 23), fraud (paragraph 25) and nuisance (paragraph 30), each supported by reference to the pleadings and the evidence.

SARITA RANI
2026.09.21 17:45
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31. An isolated, avoidable observation of this nature, unconnected to the reasoning that actually supports the operative findings, does not establish that the outcome itself was predetermined or that the evidence was not, in fact, considered on its own merits.

32. This contention is accordingly not accepted as a ground for setting aside the impugned Order, though the observation itself is disapproved of and should not be understood as bearing upon, or as having influenced, the analysis that follows.

(D) Issue No. 1 — Personal necessity

33. The finding on personal necessity is supported by the sworn testimony of respondent No. 1 – landlord as PW2, corroborated by PW1 and PW3, to the effect that the residential accommodation available to him within the hospital premises i.e., four rooms, one used as a drawing room, has become insufficient with the expansion of the hospital to more than 100 beds and the consequent need to house full-time surgeons, anaesthetists and trainee doctors within the hospital complex; that he desires, at an advanced stage of his career, to live independently of the hospital he has expanded; and that he wishes to reside near the Gurudwara and market that he is otherwise attached to.

34. The law protects this kind of genuine personal requirement. A landlord is the best judge of his own needs and is entitled to live comfortably in a property of his choice, rather than being compelled to accept what the tenant considers sufficient. Reference may be made to ***Siddalingamma v. Mamtha Shenoy, 2001 (8) SCC 561***.

35. The circumstance that respondent No. 1 – landlord owns several other properties does not detract from this finding. As correctly held by the Rent Controller, ownership and occupation are distinct elements, and a landlord cannot be denied the right to seek possession of the tenanted premises merely because he owns other properties, provided he is able to explain, as respondent No. 1 has, in his cross-examination, done as to why those properties do not answer the same need.

SARITA RANI
2026.09.21 17:45
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36. The property at Ex.RW6/1 was under requisition for a judicial officer under the compulsory acquisition regime of the Haryana Requisition and Acquisition of Immovable Property Act, 1973, and its consequent non-occupation cannot be treated as a voluntary vacation "without sufficient cause"; nor can a property placed under such statutory requisition be said to remain "in occupation" of the landlord for the purposes of Section 13(3)(a)(i). The property at Ex.RW6/2 stands explained as a vacant plot.

37. The tenant's plea that other, unidentified properties (Ex.RW6/3, RW-2/A to RW-2/C, RW6/7 to RW6/10) also serve the need, is met by the same general principle applied by the Rent Controller that a person of means, who is shown to have explained the general pattern of his property holdings and their unsuitability for his residential use, cannot be required to additionally justify, property by property, every item of a schedule that itself does not distinguish between properties said to be occupied by him and properties merely owned by, or standing in the names of, different family members.

38. The plea that the death, during the pendency of the litigation, of respondent No. 1's wife, father-in-law and mother-in-law should be treated as a "subsequent event" reducing the claimed insufficiency, and thereby defeating the ground of personal necessity, is answered by two independent considerations.

39. *Firstly,* it is settled, as pointed out on behalf of respondent No. 1 by reference to ***Hukum Chandra v. Nemi Chand Jain (supra)*** and ***D. Sasi Kumar v. Soundararajan (supra)*** that bona fide requirement, once established as on the date of institution of the petition, subsists irrespective of the delay that may occur in adjudication, and that permitting a tenant to defeat an accrued cause of action by pointing to changes of circumstance occurring during the pendency of protracted litigation would only incentivise tenants to prolong proceedings.

40. *Secondly,* and in any event, the need pleaded and proved in this case is not confined to accommodating the landlord's relatives living

SARITA RANI
2026.09.21 17:45
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together. It is, at its core, the landlord's own personal need, to live independently of an expanding, over 100-bedded hospital, for his own comfort and convenience, at an advanced stage of his career and life. That need, on the landlord's own unrebutted testimony, subsists and is, if anything, unaffected by the reduction in the number of relatives residing with him. The subsequent events relied upon are not, therefore, shown to have the direct and material bearing on the very need in question that would justify a departure from the general rule.

41. For the foregoing reasons, this Court finds no infirmity, warranting interference in revision, in the concurrent finding of the courts below on Issue No. 1 pertaining to bonafide need of the landlord.

(E) Issue No. 2 — Nuisance

42. The Appellate Authority, being the first appellate forum, was entitled and, in fact, required to re-appraise the evidence on nuisance and, on reaching its own conclusion, to reverse the finding of the Rent Controller.

43. The evidence on this issue included the tenant's putting a lock on the common entrance and parking a vehicle so as to block it, the incident of 19.07.2007 in which abusive language and threats are alleged to have been used in the presence of PW1, and the institution, immediately thereafter, of a civil suit for permanent injunction by the tenant, in which interim relief was declined by the Civil Judge and the tenant's appeal against that refusal was dismissed, a course of conduct which the Appellate Authority was entitled to view, cumulatively, as more than a solitary or trivial incident.

44. The tenant's reliance on *Annexure P/24*, a Daily Diary Report; and *Annexure P/25*, a letter to the Station House Officer, does not alter this position. These documents, at best, show that the tenant made his own complaints against the landlord. They do not controvert or explain away the landlord's independent evidence — of the lock, the parked vehicle, the abusive language and threats, and the tenant's own litigative response, on which the Appellate Authority's reversal is founded.

SARITA RANI
2026.09.21 17:45
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45. A first appellate authority is not obliged to record a separate, line-by-line rebuttal of every document filed by the losing party, where its findings otherwise rest on a coherent appreciation of the totality of the evidence; and it is not this Court's function, in the exercise of revisional jurisdiction confined to legality and propriety, to re-weigh two competing sets of documents against each other, where the appellate authority has already done so and reached a plausible conclusion.

46. The reversal of the finding on Issue No. 2 by the Appellate Authority is accordingly not shown to be perverse or otherwise vitiated, and does not call for interference in revision.

(F) Issues No. 4 to 6 — Maintainability, clean hands and fraud

47. The tenant's case on these issues rests on two limbs - non-disclosure of properties said to be in the occupation of the landlord and his family, and an alleged misrepresentation as to the price paid for the demised house. Neither, on examination, is made out to the standard required to non-suit the landlord.

48. As to the properties, the settled position as correctly applied by the Rent Controller is that ownership and occupation are distinct, and that non-disclosure of ownership of other properties is not fatal, where the landlord is able to explain that such properties are unsuited to the residential use he projects. ***Suresh Chand Goyal v. Kali Charan (supra)*** supports this conclusion.

49. It is also relevant, and weighs against the tenant, that the properties in question were themselves disclosed by the tenant in his own written statement, and the landlord was cross-examined upon them. A tenant, who has himself placed the material on record and tested the landlord upon it, cannot in the same breath, complain of concealment or of having been taken by surprise, as held by this court in ***Naresh Yadav v. Budh Parkash Tayal (supra); Om Parkash v. Mohinder Sachdeva (supra).***

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2026.09.21 17:45
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50. The property at Ex.RW6/1, in particular, having been the subject of compulsory statutory requisition for housing a judicial officer, and its rent deed (Ex.RW4/2, *Annexure P/11*) having been executed pursuant to, and as part of, that very statutory arrangement rather than as a voluntary private letting for commercial gain, does not evidence the kind of dealing with the property "as an investment" that the tenant seeks to draw from it. The analogy sought to be drawn with ***Hukam Chand v. Sushma Jindal (supra)*** is, on this distinction, not apposite.

51. As to the price of the demised house, the plea of undervaluation and consequent tax evasion, said to establish fraud, was required to be proved to the standard applicable to a criminal charge, having regard to the seriousness of the allegation. No documentary evidence of the true consideration, or of evasion, was produced, and the landlord, in cross-examination, denied the very figures put to him. Mere reliance on the market perception that properties are often undervalued in registered sale deeds, without more, does not discharge that burden. The finding that fraud is not established, and cannot be presumed against the landlord, does not, therefore, call for any interference.

52. The plea that an adverse inference under Section 114(g) of the Indian Evidence Act, 1872 ought to be drawn against the landlord for not examining his wife, son, father-in-law or mother-in-law does not assist the tenant. The landlord's own sworn testimony as PW2 constitutes evidence sufficient in law to establish his personal need, and it is well settled that it is not necessary, for a claim of personal necessity to succeed, that every family member said to be residing with the landlord must independently step into the witness box. No adverse inference arises merely from the non-examination of persons, whose evidence, even if led, would at best have been corroborative of a fact, the landlord's own need, which stands otherwise proved.

53. Issues No. 4, 5 and 6 have accordingly been correctly decided in favour of the landlord, and no ground is made out for interference.

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(G) Applications for additional evidence before the Appellate Authority (Annexures P/1 to P/3)

54. The three applications moved before the Appellate Authority sought to place on record material said to establish, first, that the landlord had been purchasing properties as an investment rather than out of necessity, and, second, the subsequent events i.e., the death of family members and the purchase of a further residential property *(Annexure P/23)* during the pendency of the litigation.

55. Additional evidence under Order 41 Rule 27 of the Code is not a matter of right, and is to be permitted only where, it is necessary to enable the appellate court to pronounce Order, or where its absence would occasion a failure of justice. Both of the purposes, for which the applications were moved stand independently answered by the legal position discussed above. The pattern of the landlord's property acquisitions was already before the Rent Controller by way of Ex.RW6/1 to RW6/13, considered and explained; and the subsequent events sought to be introduced, even if taken at their highest, would not, for the reasons already recorded under Issue No. 1, alter the outcome.

56. In these circumstances, rejection of all three applications by a common order, without separately discussing each application, does not constitute an illegality warranting interference. The reasons for rejection are clear from the findings recorded by the Appellate Authority on merits.

(H) Conduct of the proceedings

57. It has not escaped notice that the present litigation has continued for close to two decades, that the tenant's side has, over the course of the proceedings before the Rent Controller, the Appellate Authority and this Court, moved a considerable number of applications, and that respondent No. 1 – landlord is stated to be an elderly litigant who has, during the pendency of this very litigation, lost his wife. While this Court has not rejected any contention solely on this ground, and has independently examined each contention on its merits, the fact that none of the grounds

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2026.09.21 17:45
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pressed is found to disclose a jurisdictional error, perversity, or non-application of mind reinforces the conclusion that continued interference would only further delay a matter, in which the substantive rights of the parties already stand concurrently determined.

CONCLUSION AND ORDER

58. For the reasons recorded above, this Court finds no infirmity in the impugned Order dated 05.02.2019 passed by the Appellate Authority, or in the composite order of the same date, going to the legality or propriety thereof within the meaning of Section 15(6) of the Act, save for the observations in paragraph 11 thereof, which are disapproved of but do not, for the reasons stated, vitiate the operative findings.

59. Accordingly, it is ordered as follows:

(a) C.M. No. 8936-CII of 2024 is dismissed.

(b) C.R. No. 4387 of 2019 is dismissed. The Order dated 05.02.2019 passed by the Appellate Authority, and the composite order of the same date dismissing Annexures P/1 to P/3, are upheld, subject only to the observation that the remarks in paragraph 11 thereof, regarding the professional occupation of the tenant's legal heirs, are disapproved of and shall not be treated as a precedent for the manner of disposal of similar proceedings.

(c) The Order dated 25.03.2014 passed by the Rent Controller, as affirmed by the Appellate Authority, shall accordingly stand given effect to.

60. Having regard to the length of time the petitioners have been in occupation of the demised premises, and at the same time the length of this litigation, petitioners – tenants are directed to hand over vacant, peaceful possession of the demised premises to respondent No. 1 – landlord on or before 30.11.2026, and to pay/continue to pay the admitted rent and other charges for the use and occupation of the premises. Until then only, coercive steps in execution of the eviction order shall remain deferred. There shall be no order as to costs.

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61. **C.R. No. 4387 of 2019** and **C.M. No. 8936-CII of 2024** stand disposed of in the above terms.

62. All pending applications, if any, stand disposed of accordingly.

September 21, 2026 **(DEEPAK GUPTA)**
Sarita **JUDGE**

Whether speaking/reasoned? : Yes/No
Whether reportable? : Yes/No

Uploaded on: September 21, 2026

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