

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2306 of 2015

Date of Decision.06.04.2015

Hathi Singh

.....Petitioner

Versus

Badri Parshad

.....Respondent

Present: Mr. R.N. Lohan, Advocate
for the petitioner.

Mr. Munish Kumar Garg, Advocate
for the caveator-respondent.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The petitioner is faced with an action for eviction on the ground that the building has become old and unfit and unsafe for human habitation. There was evidence on record that the building is about 100 years of old from the version of the landlord, while the tenant was saying that the building was about 80 years of age. There were expert witnesses tendered on both sides. The Court found that the evidence of the landlord's expert was more reliable as he was more experienced and more qualified. The Court did not have however place reliance only on such an experienced engineer's report but had admissions of witnesses themselves that in the middle portion of the demised premise, the roof was sagging and it was given support from total collapse by fixing wooden pillar. The Courts below also found that the condition of wall

on all sides was bad and that there were cracks in the building. With building being old and the roof was in condition of virtual collapse, the Court found that the landlord's ejectment petition was well sustained and found no reason to accept the defence. I find no scope for intervention in such a situation of appreciation of facts brought well through evidence, documentary and oral.

2. The counsel for the petitioner says that the petitioner has been carrying on business in garments and he will be greatly prejudiced if he will be directed to vacate the property immediately. I grant to him a period of four months for vacating the premises on condition that he gives an undertaking in Court within a week that he will surrender possession of the property on or before 30.08.2015. He shall continue to pay the rent which is contracted within first ten days of every calendar month and if any default takes place, the time granted shall be withdrawn and the property will become liable for ejectment forthwith in accordance with law.

3. The civil revision is dismissed but with the time as granted above and subject to the condition regarding the undertaking directed to be given before this Court within a week.

(K. KANNAN)
JUDGE

April 06, 2015
Pankaj*