

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 2255 of 2013 (O&M)
Date of Decision: 09.7.2015.

Surinder

.....Petitioner

Versus

Nand Lal and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. N.D.Achint, Advocate
for the petitioner.

SABINA, J.

Petitioner and Respondent No. 2 had filed the petition under Section 13 of Haryana Urban (Control of Rent and Eviction) Act, 1973 seeking ejectment of respondent No. 1 from the premises in question. Learned Rent Controller vide order dated 30.4.2010 dismissed the ejectment petition. Aggrieved against the said order, petitioner and respondent No. 2 preferred an appeal and the same was dismissed by the Appellate Authority vide judgment dated 17.9.2012. Hence, the present petition by the petitioner-landlord.

Learned counsel for the petitioner has submitted that the Courts below had erred in dismissing the ejectment petition filed by the petitioner. Petitioner had been successful in establishing that the premises in question was unfit and unsafe for human habitation.

In the present case, petitioner had sought ejectment of respondent No. 1 from the shop in question on the ground that it had been rendered unfit and unsafe for human habitation. In this

regard, petitioner examined his expert. Respondent No. 1 also examined his expert to establish that the premises in question was fit for human habitation. The Courts below after going through the reports of the experts and the photographs, placed on record, came to the conclusion that the premises in question was fit for human habitation. In fact, the shop in question had not been got repaired by the petitioner.

In the facts and circumstances of the present case, no ground for interference with the finding of fact arrived at by the Courts below, is made out.

Dismissed.

**(SABINA)
JUDGE**

July 09, 2015
Gurpreet