

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

CR 2893 of 2011

Date of decision:- 7.8.2015

Sarabjit Singh

Petitioner

vs.

Resham Kaur

Respondent

Present: Mr. Vikas Behl, Sr. Advocate with
Ms. Japneet Kaur, Advocate.
Mr. KP Singh, Advocate.

M.M.S.BEDI,J.

This is tenant's revision petition against ejectment order dated 6.6.2008 passed by the Rent Controller and affirmed by the Appellate Authority vide order dated 8.1.2011. The courts below have arrived at a concurrent finding of fact that the shop has become unsafe and unfit for human habitation.

Counsel for the petitioner has vehemently contended that the entire condition of the building is to be assessed to declare it unsafe and unfit for human habitation. It has been urged that the shop in dispute is safe whereas the roof has gone weak on the upper floor. In support of his contention counsel for the petitioner has drawn attention of this court to the existing situation by producing photographs of the shop, which indicate that the upper floor of the shop has got cracks and building is apparently an old building. The lower portion appears to be integral part of the upper portion.

Counsel for the petitioner has placed reliance on **Prtapari N Kothari vs. John Braganza 1999(2) CCC 568, Tarsem Lal vs. Krishan Chander 2005(1) RCR (Rent) 456; Piara Lal vs. Kewal Krishan 1988(2)**

RCR (Rent) 32;, Surinder Singh vs. Bhushan Kumar 2003(2) RCR (Rent) 615; Jita Ram vs. Sham Lal 1999 (2) RCR (Rent) 687; Roshan Lal vs. Krishan Chand 1993(2) RCR (Rent) 41; Ram Avtar vs. Murari Lal 2000(1) RCR (Rent) 565; Mohinder Pal vs. Hari Dass 2000(2) RCR (Rent) 103; Mohan Lal vs. Dr. Harbans Singh 2008(1) RCR (Rent) 644 and Tek Chand vs. Rattan Lal 2003(1) RCR (Rent) 267, to contend that the condition of the entire building is to be seen and that the Rent Controller has to determine as to whether portion of the building has become unfit and unsafe for human habitation. There is no dispute regarding proposition of law.

With the assistance of counsel for the petitioner, I have gone through the evidence on record and I am of the opinion that the courts below have arrived at a conclusion that the building is 75 years old and has been constructed with third class bricks. The walls are bulging out of plumb and cracks have occurred in the walls. It has also come on record that the roof of the shop crumbles and major part of the same has already damaged and it can collapse at any time. The upper portion of the building is in possession of the landlord and is lying vacant and is not fit for habitation. Architect Vikas Chopra AW-2 has inspected the building on 15.5.2001 and has given his report as Ex.A-2. As per report, the the roof is sagging and the tiles are in loose condition and the walls of the building are covered with wooden frame, which are not connected with walls. I do not find any ground to interfere in the concurrent finding of fact, arrived at by the courts below.

The petition is dismissed.

May ,2015
TSM

(M.M.S.BEDI)
JUDGE