

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4046 of 2014 (O&M)

Date of decision: 26.03.2015

Bhushan Lal Verma

... Petitioners

versus

Sunita Rani and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Kanwal Goyal, Advocate for the petitioner.

K.Kannan, J.

The revision petition is by the tenant who has suffered concurrent orders of eviction upholding the claim of the landlord that the property is unfit and unsafe for human habitation and that further it is necessary for the personal occupation of the petitioner's son. Two Courts below relied on the report of the AW-3 who was a building expert who after inspection of the premises had reported that the building was old and at the 1st floor, the roof had fallen. The level of the building itself was bended. The surface of the building is required to be raised by another 2/3 ft. to prevent water drainage and seepage. He had also observed that the building in its present condition would require to be demolished and reconstruction to be made and building having outlived its utility cannot merely be barred. The respondent himself admitted that the building was more than 65 years old. Rent Controller found and the Appellate Court confirmed that the petitioner's evidence regarding the nature and character of building had not been dismissed by any kind of evidence to the contrary by the tenant.

Even as regards the personal necessity expressed, the court found that there was no circumstances shown out of the bona fides. The eviction order was, therefore, consequently to the findings recorded

before the Courts that there was decision on the grounds set forth in the petition for ejectment.

I find nothing material for an intervention of the orders. The counsel states that even the respondent has possibly taken the possession of the property taking advantage of the order of eviction passed by the trial Court. I find that, therefore, there is not even a need for consideration of any particular time for eviction.

(K.KANNAN)
JUDGE

26.03.2015

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