

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5333 of 2014 (O&M)

Date of decision: 23.03.2015

Ashok Kumar

... Petitioner

versus

Sheela Devi and others

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sandeep Arora, Advocate for the petitioner.

K.Kannan, J.

The landlord sought an ejectment on the grounds of non-payment of rent, subletting and for the conduct of the tenant in lowering the value and utility of the building by some illegal alterations in the structure. The building was purported to be unfit for human habitation. The Courts below have held against the landlord and made observation about the fact that there was no expert examined to assess the quality of the building as having degraded to such an extent that it become uninhabitable. Learned counsel relied on some witnesses, but, Courts below were not satisfied that it has proved that the building has outlived its utility. The Courts below also found that there are no structural alterations but there is only some support given to strengthen the wall. As regards subletting, the fact of receipt of the summons at the place where the premises were situate by the person stated to be a sub-tenant was found not sufficient to prove the case of the landlord on consideration of the nature of the activity said to be carried by the tenant being sale of *cigarettes* and *bidis*. All the findings would seem to be proper inferences of facts from the evidence led and there is no material irregularity for intervention in the revision petition.

Learned counsel states that the landlord is in need for its own personal occupation but he has not made it as ground in the petition. He may file an independent petition in that regard.

The civil revision petition is dismissed with the above observations.

(K.KANNAN)
JUDGE

23.03.2015
kv