

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

C.R. No.3172 of 2016

Date of Decision.10.05.2016

Sarup Chand

.....Petitioner

Vs.

Rajesh Kumar @ Sohan Lal and others

.....Respondents

Present: Mr. Ashok Jindal, Advocate
for the petitioner.

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 revision petition is at the instance of the landlord who was aggrieved that the tenant is effecting repairs in the property without his permission. The Courts below have observed that if there is obligation under Section 108 of the Transfer of Property Act to keep the property in good repair by the landlord, it will be open for the landlord to apply for eviction if there is any unauthorized construction. The petitioner admits that he has not taken any action for eviction on the ground that the building is not habitable. It will be open to the petitioner to take such an action for eviction if the building is not habitable in its present state and can seek for restraint for construction to be made in such an application. The Court will consider the same uninfluenced by the decision taken in these proceedings.

2. The revision petition is disposed of with the above observations.

**(K. KANNAN)
JUDGE**

May 10, 2016

Pankaj*