

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Civil Revision No. 2987 of 2013 (O&M)
Date of Decision: 27.07.2017**

Thakurdwara Nauhrian Trust Society
Regd. Ambala City

..... Petitioner/Landlord

Versus

Pawan Kumar and others

..... Respondents/Tenants

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: None for the petitioner-landlord.

JASWANT SINGH, J. (ORAL)

Petitioner-landlord is in revision directed against the concurrent findings recorded by both the Authorities below, whereby the eviction application of the landlord has been dismissed.

The admitted facts in brief are that Diwan Chand was inducted as a tenant vide an Agreement/Rent Note dated 15.11.1993 by the landlord-Society in the tenanted premises, comprising shop bearing House Tax No. 9839/6, New No. 1765, Block VI, Sarafa Bazar, Ambala City. The tenancy devolved upon the respondents being family members of Diwan Chand upon his death.

The landlord filed an eviction petition on 16.01.2002 on three grounds; (i) non-payment of rent w.e.f. 15.11.1995 to 15.01.2002; (ii) the shop have become unfit and unsafe for human habitation; and (iii) the tenants have not complied with the terms and conditions of the agreement/rent note.

The Rent Controller, Ambala, vide judgment dated

18.11.2010, dismissed the eviction petition by holding that the tenants were

not in arrears of rent and the building was in the same condition as originally let-out, therefore, rejected the plea of unfit and unsafe for human habitation as well. The third plea was rejected being beyond the scope of the Haryana Urban (Control of Rent & Eviction) Act, 1973, as being available ground for eviction.

The Appellate Authority, Ambala, vide judgment dated 02.01.2013, has confirmed the findings as recorded by the Rent Controller, Ambala. Learned Appellate Authority, on third plea, further held that even the rent note did not provide any prescribed time for demolishing the demised shop and raising new construction, the process for which concededly had been initiated by the tenants in cooperation with the landlord by submitting building plans before the Municipal Corporation, Ambala.

A perusal of the previous orders reveals that notice in the present revision petition is yet to be issued and since last two dates, none has come present to argue the case on behalf of the petitioner. The position is the same today.

After perusing the paper book, the concurrent findings recorded by both the Courts below do not warrant any interference, as no perversity or material illegality can be inferred.

Revision petition is dismissed.

July 27, 2017

dk kamra'

**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No