

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

107

CR No.3072 of 2017 (O&M)

Date of decision: 10.05.2017

Balwant Singh

....Petitioner

Versus

Rakam Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Rajeshwar Singh, Advocate, for the petitioner.

Mr.Chander Kalia, Advocate, for the respondent.

G.S. SANDHAWALIA, J. (Oral)

CM-10445-CII-2017

Application, for placing on record the affidavit of the petitioner, is allowed, in view of the averments made in the application, duly supported by an affidavit. Same is taken on record, subject to just exceptions. Office to tag the same at appropriate place.

CM stands disposed of.

CR-3072-2017 (O&M)

On 05.05.2017, the following order was passed:

“After arguing for some time, keeping in view the fact that eviction has been ordered on the ground of non-payment of rent, *bona fide* requirement and the building being unfit and unsafe, counsel for the petitioner has taken instructions from Balwinder Singh, son of the petitioner, that since the petitioner has been occupying the premises for more than half a decade, some time may be granted to re-locate.

Accordingly, let necessary affidavit be filed, that the premises will be vacated by 30.04.2018, the arrears of rent/mesne profits, as assessed by the Appellate Authority, shall be cleared by 31.05.2017, the petitioner shall continue to pay the mesne profits by the 7th day of each month and that the vacant possession shall only be handed over to the respondent-landlord.

To come up for the said purpose on 10.05.2017.”

In compliance of the said order, the necessary affidavit has been filed.

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CR No.3072 of 2017 (O&M)

-2-

However, at this stage, Mr.Chander Kalia, Advocate, has put in appearance on behalf of the respondent/landlord and submits that possession has already been taken on 04.05.2017 through the process of Court and the premises in question, which is a room, has also been demolished.

It has further been pointed out that eviction was sought on the ground that the building was unfit and unsafe and the Rent Controller had come to the conclusion that the petitioner himself had admitted in his cross-examination that the room is very old, there are cracks in the wall, the bricks have fallen off at some places and the roof is leaking during the rainy season. Similarly, another witness, namely, Baljinder Singh (RW3) also admitted the said factum and accordingly, a finding was recorded that the room was in a dilapidated condition. The Appellate Authority also took these factors into consideration and it was noticed that the room in question was constructed in the year 1935.

In such circumstances, this Court is of the opinion that the findings which have been recorded by the Courts below are not to be interfered with under revisional jurisdiction. As noticed above, even the present petition has been rendered infructuous, as the possession has been handed over and the room itself has been demolished.

Accordingly, in view of the above, the present revision petition is dismissed.

May 10th, 2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No