

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

**CR No.1 of 2008 (O & M)
Date of Decision:-19.09.2018**

Anand Parkash (died) through LR Navin Kumar

...Petitioner

Versus

M/s Planko Plastic & Scientific Works

...Respondent

CORAM:- HON'BLE MR. JUSTICE AJAY TEWARI

Present:- Mr. Eklavya Gupta, Advocate for
Mr. Ashok Gupta, Advocate
for the petitioner.

Mr. Pritam Saini, Advocate
for the respondent.

AJAY TEWARI J.(Oral)

This revision petition has been filed against the judgment of lower Appellate authority reversing that of Rent Controller thereby dismissing the application for eviction filed by the petitioner on the ground of building having rendered unfit and unsafe. Apart from the other factors, one important fact which weighed with the Appellate Authority was that while the landlord was claiming that the building in occupation of the tenant become unfit and unsafe, the admitted fact was that the tenant was occupying the ground floor while the petitioner-landlord was living on the first floor. The Appellate Authority held that once the landlord was himself staying on the first floor of the demised premises, he could not be heard to

argue that the building has become unfit and unsafe for human habitation.

In my opinion if the landlord felt that the building is unfit and unsafe for human habitation then the most important indication would have been if he himself shifted out therefrom. Having continued to reside there, it does not lie in his mouth to urge that in fact the building has become unfit and unsafe for human habitation.

In the totality of the circumstances I am not persuaded that the findings of the Appellant Authority suffers from any error.

Petition stands dismissed.

September 19, 2018
Vijay Asija

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No