

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

CR No.3185 of 2007 (O&M)
Date of decision : 01.08.2018

Suresh Chand Jain

...Petitioner

Versus

Bijender Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jain, Advocate for the petitioner.

Mr. Sandeep Kotla, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

The tenant-petitioner is in the revision petition against the concurrent findings of fact arrived at by the authorities below while ordering his eviction on the ground that the property is unfit and unsafe for human habitation.

Both the authorities have relied upon a notice from the Municipal Committee dated 31.07.1995, as also the letters written by the tenant-petitioner to the then landlord pointing out that the building requires immediate repairs and it is in a dilapidated condition.

Although, learned counsel for the petitioner has argued that the aforesaid letters were written in the year 1990 and thereafter the building was repaired, however, no evidence in this regard has been produced.

Learned counsel for the petitioner has further argued that two

petitions were filed previously on the same ground but those were got dismissed for non-prosecution.

In the considered opinion of this Court, the dismissal of the petitions on the ground of non-prosecution would not bar a fresh petition because the condition of building keeps changing with the passage of time and hence, cause of action also changes.

In the present case, it is also not in dispute that in the execution of the eviction order passed by the authorities below, the possession has been taken and demolished. The building is no more in existence.

Keeping in view the aforesaid facts and particularly keeping in view the fact that in exercise of revisional jurisdiction, this Court cannot re-appreciate the evidence available on the file. This Court does not find any good ground to interfere.

Revision petition is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

01.08.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No