

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.3053 of 2010 (O&M)
Date of Order:01.08.2018

Gurcharan Kaur

..Petitioner

Versus

Paramjit Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Mr. Ashok Giri, Advocate,
for the respondent.

ANIL KSHETARPAL, J(Oral)

Landlady-petitioner is in the revision petition against the concurrent findings of fact arrived at by the learned Rent Controller affirmed in appeal by the learned Appellate Authority.

Landlady-petitioner had sought ejectment on three grounds:-

- (i) non-payment of rent;
- (ii) Structural alteration;
- (iii) nuisance

Both the authorities have found that the rent has been paid and, therefore, that ground does not survive. With regard to structural alteration, the courts have found that there is no structural alteration and only shutter has been shifted by including front varanda in the shop. Landlady has failed to prove that because of shifting of the shutter, tenant has committed such acts as are likely to impair materially the value and utility of the building

even if it is assumed that it is an act of tenant. Courts have further found that the adjoining shopkeepers have also done the same thing. Courts have further found that the petitioner herself has not appeared in the witness box to face cross-examination. It is the positive case of the tenant that the shutters were got shifted by the landlady herself.

Keeping in view the findings of fact arrived at by the authorities below, this court does not find any good ground to interfere in the revisional jurisdiction.

However, it may be noted that the arrears of rent have been paid by way of demand draft to learned counsel for the petitioner, which has been accepted under protest.

The revision petition is dismissed.

August 01, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No