

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR No.2312 of 2017 (O&M)

Date of Decision : 23.10.2018

Roshan Lal

..... Petitioner

Versus

Ravinder Singh and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Namit Gautam, Advocate
for the petitioner.

Mr. Vijay Kumar Jindal, Sr. Advocate
with Mr. Abjijeet Partap, Advocate
for the respondents .

AJAY TEWARI, J. (ORAL)

This revision has been filed against the concurrent judgments of the courts below evicting the petitioner from the demised premises.

The respondents had filed the petition on three grounds i.e. non-payment of rent, personal necessity and the building having become unfit and unsafe for human habitation. They gave up the grounds of non-payment of rent and asserted that they wanted to demolish the shop in question and the adjacent shop which was in their possession and build a new building. Both the courts below accepted the plea of bonafide necessity as well as that the building had become unfit and unsafe for human habitation and that is why the petitioner is before this Court.

necessity which was set up by the respondents is not at all made out.

To my mind, where one of the grounds taken is the safety and fitness of the building then that ground is more important than any other ground because the other grounds available under the Rent Act deal with the inter-se rights of the parties but the ground of premises having become unfit and unsafe (and particularly commercial buildings) would also have a public interest component because an unsafe building may hurt not only the shopkeeper but even innocent customers who may have come inside. As regards this finding, counsel for the petitioner has argued that there were two experts. The expert of the respondents-landlord gave an opinion in favour of his client while the expert of the petitioner gave an opinion in favour of his client. He has specifically pointed out that the courts have nowhere categorically found that the building has become unfit or unsafe or that it is going to fall but have only given speculative finding.

In my opinion, both the courts have given a specific finding that the building is unsafe and unfit though on the issue of falling down, they have used the word 'may' in place of the word 'shall' and there is nothing wrong with this. It is very difficult even for an expert to predict when a building will actually collapse but they can definitely state whether a building is unfit and unsafe.

Counsel for the petitioner has not been able to persuade me that the findings of fact recorded by the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify interference of this Court in revision petition.

Petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

October 23, 2018
ashish

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No