

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-3047 of 2016

Date of Decision: 20.02.2018

Neena Jindal and Another

.....Petitioners

Vs.

Sahil Khurana

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Amit Chaudhary, Advocate, for the petitioners.

None for the respondent, despite service.

RITU BAHRI, J. (ORAL)

The petitioner has come up in revision against the order dated 03.11.2015 (Annexure P-4) whereby the application dated 29.11.2014 (Annexure P-3) filed by the petitioners for directing the respondent to remove the iron gate installed from the premises, has been dismissed.

A perusal of the order shows that the petitioners have alleged that they had abducted the respondent as a tenant in two cabins situated on the top floor of the showroom mentioned in the petition. The eviction had been sought on the grounds of non-payment of rent and personal necessity. It was also alleged that since the respondent had installed a gate as pointed in the site plan and had taken forcible possession of the space between the classrooms, therefore, they had diminished the value and utility of the demised premises, which was also ground taken for seeking his eviction.

The respondent had appeared and filed the written statement, in which, he was inter-alia asserting that he had taken on rent the complete second floor of the showroom in question for running of an education institute and he had himself made the compartments by raising the super-structure on the second floor. He further submitted that he had a right to top floor of the building as well and there was no room on the top floor and no hindrance was being caused to the landlord by installing the said gate.

After going through the evidence and materials on record, learned

trial Court has rightly dismissed the petition of the petitioners as no encroachment has been made by the respondent.

In view of the above, this revision petition is dismissed as this stage by giving direction to the trial Court to complete the proceedings as expeditiously as possible.

(RITU BAHRI)
JUDGE

20.02.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No