

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Civil Revision No.5041 of 2010 (O&M)  
Date of Order: 09.10.2018

Parveen Kaur

..Petitioner

Versus

Brij Mohan Sharma

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunil Kumar Garg, Advocate,  
for the petitioner.

Mr. Raj Kumar Kakkar, Advocate,  
for the respondent.

ANIL KSHETARPAL, J(Oral)

Landlord-petitioner is in the revision petition against the order passed by the learned Appellate Authority, reversing the order of eviction passed by the learned Rent Controller.

The eviction was sought on the grounds of non-payment of rent and tenant having ceased to occupy the premises without sufficient cause for a continuous period of 4 months prior to the filing of the petition.

Learned Rent Controller had allowed the petition, whereas the learned Appellate Authority has reversed the same.

During the pendency of this revision petition, it was pointed out that the tenant has died (wrongly noted that landlord has died in the order dated 11.09.2018) and the shop in question is lying locked from the period

even before the death of the tenant. This court, keeping in view the aforesaid facts, directed the learned Rent Controller to visit the shop in question and submit her report. The learned Rent Controller has now submitted the report, operative part whereof reads as under:-

*“On 29.9.2018, the copy of order dated 11.9.2018 was received by the undersigned. Accordingly, the original file was called for 4.10.2018 along with the report of Record Keeper. On 4.10.2018 the Deputy Record Keeper reported that the original file could not be traced and requested for three days time. However, the undersigned visited the premises in question after court hours on 4.10.2018 in lieu order dated 11.9.2018. After reaching the premises in question it was found that the shop No.79-A, Bazar No.4, Ferozepur Cantee was lying closed. The statements of Rakesh Kumar and Ramesh Kumar were recorded. Their shops are adjacent to the shop in question.*

*3. From the aforesaid statements of Rakesh Kumar and Ramesh Kumar, it is concluded tha the shop in question was run by Brij Mohan Sharma and he is no more. He died 4 to 5 years ago. The said shop has been closed for about 5 to 6 years.”*

Learned counsel for the respondent is also not in a position to deny or admit the facts stated in the report.

In view of the aforesaid report, it is apparent that the shop is lying closed for the last 5 to 6 years. Hence, the order passed by the learned

Appellate Authority is reversed and the order passed by the learned Rent Controller is restored.

The civil revision petition is allowed.

09.10.2018  
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(ANIL KSHETARPAL)  
JUDGE

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