

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

**Civil Revision No.6024 of 2008 (O&M)
Date of Order:04.07.2018**

Ram Kumar and others

..Petitioners

Versus

Rameshwar Lal Bhatti

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajesh Bansal, Advocate and
Mr. M.B.Jain, Advocate,
for the petitioners.

Mr. Sandeep Kotla, Advocate,
for the respondent.

ANIL KSHETARPAL, J(Oral)

Landlord-petitioners are in the revision petition against the order passed by the learned appellate authority reversing the order of eviction passed by the Rent Controller. The only ground which survives for consideration is “whether on account of wooden “shafts/karri” for storing the goods fabricated at the instance of the tenants, the value of the premises is materially impaired or utility of the building is reduced?”

In the present case, learned Rent Controller appointed a Local Commissioner, who after visiting the premises in question has reported that with the help of wood, a small storage space has been created 11 feet above the floor. Along with the report, a rough site plan has also been annexed. On careful perusal thereof, it is apparent that space for storage has been created at the absolute rear end of the premises. The property in question is in three different parts. Front portion is in L-shape, whereas thereafter there

is a space and last portion i.e. rear side has been shown is Godown. In the portion, which is depicted by the words 'Godown' a small space has been created by the wooden shafts by the tenant to create a storage. On careful reading of the report of the Local Commissioner, it is apparent that the Local Commissioner has not reported any damage to the building or to the wall has been caused because of user of the wooden shaft.

As per Section 13(2)(iii) of the Haryana Urban (Control of Rent and Eviction) Act, 1973, before evicting a tenant on the ground of impairment of value and utility the court has to record a finding that tenant has committed such acts as are likely to impair materially the value or utility of the building or rented land. In the present case, this court finds that evidence to record such finding is not available.

In view thereof, there is no ground to interfere with the order passed by the learned appellate authority.

The revision petition is dismissed.

July 04, 2018
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(ANIL KSHETARPAL)
JUDGE

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