

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.4548 of 2018 (O&M)
Date of decision: August 02, 2018

Rattan Lal

...Petitioner

Versus

Tarun Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Akshay Kumar Jindal, Advocate for the petitioner.
Rajan Gupta, J.

Present revision is directed against the judgment dated 25.5.2018, passed by the Appellate Authority, Karnal, whereby appeal filed by the petitioner against the order dated 12.5.2015, evicting him from the premises in question, has been dismissed.

Petitioner has assailed the judgments. He submits that premises in question is still fit for human habitation, therefore, the impugned judgments passed by both the courts below, evicting the petitioner from the premises in question, deserve to be set-aside.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, Tarun Kumar (deceased) through his LRs Smt. Ravti Bai etc. filed a petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 for eviction of petitioner from the residential house bearing No.A-745/B, situated in Sadar Bazar, Karnal, on the ground that the house in question was very old, as it was constructed more than 60 years ago and one portion of the said house had

already fallen down. Thus, the house in question is not fit for human habitation. Petition was contested by the petitioner. After hearing both sides, Rent Controller allowed the petition, evicting the petitioner from the demised premises, with a direction to hand over vacant possession of the demised premises to the respondent/landlord within one month from the date of order. It observed that the premises in question was in dilapidated condition and had become unsafe and unfit for human habitation. Aggrieved, petitioner preferred appeal, but same has been dismissed by the Appellant Authority on 25.5.2018.

I find no infirmity with the orders passed by both the courts below. It is observed by the Rent Controller that photographs Ex.P-1 to Ex.P-4, indicate that the house in question is in dilapidated condition and unfit for human habitation as it can collapse at any time. Therefore, the Rent Controller had rightly passed order of eviction of the petitioner from the tenanted premises. Appeal filed by the petitioner was also dismissed by the Appellate Authority. Petition for ejectment was filed on 17.07.2012. Since then, petitioner has enjoyed the usufruct of the premises, I am of the considered view that the present petition is without merit and is, thus, dismissed.

August 02, 2018
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No