

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

CR No.646 of 2011 (O&M)
Date of decision : 19.09.2018

Vijay Kumar

...Petitioner

Versus

Brij Mohan and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Nikhil Chopra, Advocate for the petitioner.

Mr. Munish Gupta, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

The landlord-petitioner is in the revision petition against the order passed by the learned Rent Controller dismissing his petition, affirmed by the Appellate Authority.

The eviction was sought on the ground of change of user from residential to commercial.

Both the authorities after appreciating the evidence have found that no evidence has been produced to prove that there was any change of user or the property in dispute is being used for commercial purposes.

Yesterday, learned counsel for the petitioner argued the appeal. He has only pointed out that the police had found manufacturing facility of spurious drugs from the premises in dispute. In response thereto, counsel for the tenant had pointed out that the judgment of conviction passed earlier had

been reversed by the learned Appellate Authority. Still further, no evidence has been led by the plaintiff to prove that any business is being carried on by the respondent-tenant. When landlord appeared in evidence, he admitted that he has not seen the respondent carrying out the business of manufacturing or sale of drugs from the premises in dispute.

The Appellate Authority has also noticed that no witness from the neighborhood has been examined to prove that fact.

Keeping in view the aforesaid facts, there is no ground to interfere.

Revision petition is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

19.09.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No