

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

CR No.6343 of 2018 (O&M)
Date of decision : 17.10.2018

Raj Kumar

...Petitioner

Versus

Rahul Kapoor and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Sarika Gupta, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The tenant-petitioner is in the revision petition against the concurrent findings of fact arrived at by both the Courts below while ordering his eviction on the ground that the building has become unfit and unsafe for human habitation.

In the present case, two building experts (one each deputed by the tenant and the landlord) have submitted their contradictory reports. However, on examination of both the reports, the Courts have found that the report submitted by Sh. Vijay Bagga who is Civil Chartered Engineer and Government Approved Valuer, is more reliable and have ordered the eviction. The Courts have found that the Expert examined by the tenant namely Sh. Rahul Dev is only an Architect and Interior Designer. Still further, both the Courts have found that the photographs produced clearly show that there are cracks in the roof which of the wooden battens, eaten

away by termite. The report given by the Expert is in detail. The building expert has also opined that the age of the building is more than 75 years. It has further been found that the plaster has come out and the wooden battens have deteriorated. Even, there are cracks at the seat of the iron girders.

Learned counsel for the petitioner while referring to the cross-examination of Vijay Bagga, Expert has submitted that he has only examined the building in question and not the surrounding buildings.

In the considered view of this Court, once an Expert has been assigned a particular task to give report about the building in question, he was not required to examine and give report about the surrounding buildings.

Learned counsel for the petitioner further argued that the landlord purchased the property on 29.08.2002, it was in good condition. Hence, she submitted that the ground of eviction is not made out. In the present case, the petition was filed on 06.10.2009 after a period of more than seven years from the date of purchase. During this period, the condition of the building which is constructed of an old nanak shahi bricks has deteriorated as per the report of a building expert.

In view thereof, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Revision petition is dismissed.

17.10.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No