

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

LPA-1797-2018 (O&M)
Date of decision:- 30.11.2018

Rajender Kumar alias Raj Kumar and others
...Appellants

Versus

Financial Commissioner, Revenue, Haryana and others
...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Sunil K. Nehra, Advocate,
for the appellants.

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KRISHNA MURARI, C.J. (ORAL)

This intra court appeal under Clause X of the Letters Patent is directed against the judgement and order dated 17.10.2018 passed by learned Single Judge dismissing the writ petition alongwith another connected petition filed by the petitioners (appellants herein).

2. Appellants are the land-lords. They made an application for ejectment of tenants on the ground of non-payment of rent for the crop years 1990-1992 and 1993-1995. The authorities below, namely, Assistant Collector, 1st Grade, Hodal, District Collector, Faridabad, Commissioner and Financial Commissioner respectively dismissed the claim of the appellants on the ground that power of attorney of the appellants had already issued a receipt mentioning that full and final payment of the rent due has been received and nothing remains due.

3. Admittedly, this is a finding of fact recorded by the fact finding authority on an analysis of evidence adduced in

the proceedings. It is well settled principle of law that findings of fact are not liable to be interfered by this Court in exercise of powers conferred by Article 226 of the Constitution of India, unless it is demonstrated that they are vitiated on account of mis-reading or non-consideration of any material piece of evidence and are perverse. In the case in hand, the authority below recorded a finding of fact on the basis of evidence adduced in the proceedings, which was even upheld by the revisional authorities. Nothing has been placed either before the learned Single Judge or even before us during the course of arguments to demonstrate that the same is vitiated on account of any of the factors, namely, non-consideration of material piece of evidence or perversity.

4. In view of the above, we find no illegality in the impugned order and judgement passed by the learned Single Judge, which may require our interference.
5. The appeal accordingly fails and stands dismissed in limine.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

30.11.2018
Amodh

whether speaking/reasoned	Yes/No
whether reportable	Yes/No