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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2278 of 2019 (O&M)

Date of Decision: 10.04.2019

Bal Krishan

..... Petitioner

Versus

Suresh Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Deepak Sharma, Advocate,
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

The present revisional petition is directed against the impugned judgment passed by the Ld. Appellate Court, Fazilka, on 20.02.2019, whereby the judgment dated 30.08.2016, passed by the Ld. Rent Controller, Abohar, directing eviction of the petitioner/tenant from the demised premises was upheld.

2. The sole ground on which the eviction order was passed was that the premises in question, which happens to be a shop room, occupied by the petitioner/tenant had become dilapidated and had been rendered unfit for human habitation. Both the Ld. Courts below, after perusing the evidence led by the parties, came to the conclusion that the respondent/landlord had been able to make out a convincing case to the effect that the demised premises/shop room was actually in a very

dilapidated condition and unfit for human habitation. The Expert's Report led into evidence on behalf of the respondent/landlord, which was submitted by a qualified Architect and was supported by several photographs to show that the roof of the demised shop room had fallen down and the wooden battens supporting the same had become extremely weak, apart from the fact that several cracks had developed in the Hall of the premises, was relied upon by both the Ld. Courts below.

3. The petitioner/tenant sought to rebut the Expert's Report by leading the evidence of a Mason, who was ostensibly engaged by him, according to whom, there was only one single hole in the roof of the concerned shop room, which could have easily been repaired by incurring an expenditure to the tune of ₹1,000/- only or about that much. There is, however, no convincing explanation as to why the petitioner/tenant did not lead any independent evidence from his side, such as by way of placing of photographs of the inner picture of the demised premises to show exactly what was the condition existing therein, or that there was only a one foot wide hole in the roof, as claimed by him. On the contrary, it has been specifically noted in the Expert's Report led on behalf of the respondent/landlord that due to dilapidated condition of the premises, the petitioner/tenant was himself doing his work sitting outside the demised shop room area.

4. In its revisional jurisdiction, at this stage, this Court is not inclined to re-appreciate the evidence of both the Ld. Courts below on a concurrent decision over an issue of fact, particularly since the petitioner/tenant from his own side did not lead any tangible evidence to

support his own claim that the demised shop room was not in a dilapidated condition.

5. In view of the aforesaid reasons, this Court finds no reason to interfere with the impugned decisions of both the Ld. Courts below.

6. The present revisional petition is, therefore, dismissed. However, considering the poor condition of the petitioner/tenant, who sustains himself by polishing utensils in the demised premises, which has remained in his occupation for a long time now, he is granted time to vacate the same peacefully and deliver its possession to the respondent/landlord latest by 31.07.2019, during which period any execution proceedings against him, if already pending, shall remain stayed.

7. This order shall automatically stand vacated on the designated date, i.e., 31.07.2019.

10.04.2019

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No