

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.3895 of 2006 (O&M)
Date of Order:26.02.2020

Mangal Ram

..Petitioner

Versus

Murari Lal (since deceased) through LRs and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mukesh Verma, Advocate,
for the petitioner.

Mr. S.S.Khurana, Advocate,
for the respondents.

ANIL KSHETARPAL, J(Oral)

Landlord-petitioner has filed the present revision petition under sub-section 6 of Section 15 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (hereinafter referred to as 'the 1973 Act').

Landlord has sought eviction of the respondents-tenants on the ground that they have carried out structural alterations and consequently reduced the value and utility of the building without his written permission.

As per Section 13 of the 1973 Act, a tenant who has committed or caused to be committed such acts as are likely to impair materially the value and utility of the building or rented land, is liable to be evicted. Significant words in Clause (iii) of sub-section 2 of Section 13 of the 1973 Act are likely to impair materially the value and utility of the building. Section 13(2)(iii) is extracted as under:-

13. Eviction of tenants:-

(1)

XX

XX

XX

(2) XX XX XX

(i) XX XX XX

(ii) XX XX XX

(iii) *that the tenant has committed or caused to be committed such acts as are likely to impair materially the value or utility of the building or rented land."*

Rent controller as well as appellate authority on appreciation of evidence concurrently held that the landlord failed to prove that the alterations which are alleged to have been carried out by the tenant, result in material impairment of the value and utility of the building.

Learned counsel for the petitioner submitted that the tenants have changed the level of the floor and have also covered 'varanda' front corridor. He, hence submits that there is structural alterations.

This court had repeatedly requested learned counsel for the petitioner to establish as to how the value and utility of the building has been materially impaired. Learned counsel could not give any satisfactory reply.

Learned counsel appearing for the respondents has submitted that both the witnesses examined by the landlord have themselves stated that the changes made have resulted in increase in the value and utility of the building rather than reduction.

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

Dismissed.

February 26, 2020

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Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)
JUDGE

: Yes/No

: Yes/No