

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3331 of 2015 (O&M)
Date of decision:03.03.2022

Vipan Mittal

...Petitioner

Versus

Kamal Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harsh Aggarwal, Advocate, for the petitioner.
Mr. Daljit Singh Virk, Advocate, for the respondents.

ANIL KSHETARPAL, J (Oral)

The landlord assails the correctness of the order passed by the Appellate Authority, on 15.01.2015.

The petitioner is a landlord of the tenanted premises which is in occupation of the respondents. A petition filed by the landlord to seek eviction of the respondents has been dismissed by both the courts below. This revision petition is pending for the last 7 years in this Court.

During the pendency of the revision petition, on 18.03.2020, the following order was passed:-

“Sh. Kamal Kumar, respondent no.1 is present in the Court alongwith his counsel. Learned counsel for the petitioner-landlord has submitted that the roof of the tenanted premises has already fallen and tenants have already shifted therefrom. However, respondent no.1 who is present in the Court disputes the aforesaid fact. Respondent no.1 has been cautioned and warned. It has been brought to his notice that if his statement is found factually incorrect, he shall be burdened with costs of Rs.1 lac. However, he still insists.

Keeping in view the aforesaid fact, it is considered appropriate to request Sh. Gopal Soni, Advocate, who is present in the Court to visit the premises located at Moga tomorrow i.e 19.3.2020 at 12:00 noon positively. Petitioner would pay a sum of Rs.40,000/- towards his

*fee which would include travelling expenses as well.
Report be submitted on or before 24.3.2020.*

*Since the date and time of the visit of the Local
Commissioner has been informed to the learned counsel
for the parties, no further notice to the parties or their
counsels shall be necessary.*

List in urgent. “

Sh. Gopal Soni, Advocate, appointed as the Local Commissioner has submitted the report, which is taken on record as mark “C-1”.

The tenanted premises is a shop. As per the report submitted by the Local Commissioner, respondent no.1 Sh. Kamal Kumar, who was present at the time of inspection, did not cooperate and rather created obstructions forcing the Local Commissioner to request the local Station House Officer to come on the spot. It has been reported that the major portion of the roof had already fallen down and there were only broken bricks and a pile of mud. Even the four walls had developed the cracks.

Shri Kamal Kumar, respondent no.1 has tried to mislead the Local Commissioner by placing some clothes in order to create an evidence that he is still working at the shop. Sh. Kamal Kumar-respondent no.1, along with his counsel, is present in the Court today and he admits the factual position.

Keeping in view the aforesaid facts, the tenanted premises no longer exist. Hence, the present revision petition is allowed. While observing that as the tenanted premises have already fallen down, therefore, the tenancy ceases to exist in favour of the respondents.

As observed in the order dated 18.03.2020, the respondents are burdened with costs of Rs.1,00,000/- which shall be recoverable as arrears of

land revenue and shall also be deposited within a period of 3 months with the 'Poor Patients Welfare Fund' of the Post-graduate Institute of Medical Education and Research (PGIMER), Chandigarh, personally or through its website “www.pgimer.edu.in” and produce the receipt duly verified by his counsel before the Registrar General of this Court.

Disposed of accordingly.

All the pending miscellaneous applications, if any, are also disposed of.

March 03, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No