

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(117)

CR-311-2023 (O&M)

Date of Decision : January 18, 2023

Ramesh Goyal

.. Petitioner

Versus

Santosh Devi and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Monika Thakur, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present civil revision petition, the challenge is to the order dated 04.10.2021 passed by the Rent Controller by which, the eviction petition filed by the respondent-plaintiff has been allowed as well as to the order dated 02.12.2022 passed by the Lower Appellate Authority by which the appeal filed against the order of Rent Controller dated 04.10.2021 has been dismissed.

Learned counsel for the petitioner argues that the findings which have been recorded by the Courts below that the petitioner who is the tenant in the shop owned by respondent-landlord is not occupying the said premises and the same is lying closed and locked and no business is being done from the shop in question for the last more than one year, is totally incorrect as the petitioner is still operating from the said premises.

On being asked as to how the findings recorded by the Rent Controller as well as the Appellate Authority are contrary to the record and the evidence, no perversity has been pointed out.

It may be noticed here that the it is a conceded position that the premises in question does not have electricity connection for the last more than six years. Further, it has also come on record that the petitioner has already shifted his business to another premises. Learned counsel for the petitioner has not been able to rebut the said evidence on record to be perverse.

Learned counsel for the petitioner has not been able to point out any perversity in the said findings too, which are actually based on the evidence on record.

The only argument raised is that the petitioner was using the safest mode of electricity i.e. solar panel to survive. On being asked as to whether any evidence qua the said fact has been produced before the Courts below, no evidence to the said factual aspect was brought to the notice of the Court to be on record so as to rebut the findings given by the Courts below that there was no electricity in the premises which is one of the factor taken into consideration to hold that the premises in question has been locked by the petitioner and is not being used for the last more than one year. Once, the electricity meter was disconnected by the electricity authorities concerned for the last six years, which fact has gone un-rebutted it cannot be said that the findings recorded by the Courts below that the premises is locked and is not being used for the last more than one year, cannot be faulted with.

No other argument was raised.

Keeping in view the above, as there is no perversity which has been pointed out by the learned counsel for the petitioner in the findings recorded by the Rent Controller and the Appellate Authority in their orders, which have been impugned in the present civil revision petition, no ground for interference is called for by this Court.

Dismissed.

CM-876-CII-2023

As the main civil revision petition has been dismissed, present application also stands dismissed.

January 18, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No