

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(119)

CM-4935-CII-2023 in/and
CR-2930-2017

Date of Decision : March 22, 2023

Ajit Singh (since deceased) and another

.. Petitioners

Versus

Baljinder Singh

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naveen Sharma, Advocate, for the applicant/petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-4935-CII-2023

Present application has been filed for recalling the order dated 23.02.2023, by which, the present civil revision petition was dismissed for non-prosecution.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed. The order dated 23.02.2023 is recalled and the civil revision petition is restored to its original number and status.

CR-2930-2017

Present civil revision petition has been filed against the concurrent finding of the Rent Controller as well as the Appellate Authority

that the grounds sought for eviction of the tenant i.e. non-payment of the rent could not be proved on the basis of evidence, which came on record.

Learned counsel for the petitioners submits that though there was no written agreement qua the fixation of rent but keeping in view the fact that the shop was located on main road and rent of the said shop cannot be treated as less than Rs.6000/- per month but the said fact has not been taken into account by the authorities below while rejecting the claim of the petitioners.

The said argument has been raised on the basis of assumption and not on the basis of the actual fact. Learned counsel for the petitioners very fairly conceded that evidence has come on record qua the fixation of rent in writing, as being claimed by the petitioners in the rent petition.

In the absence of any evidence produced on record that the rent of the shop in question was Rs.6000/- per month as being claimed, no benefit of the said assertion can be allowed in favour of the petitioners.

No perversity has been pointed out in the judgment of the Court below qua the fact or the evidence on record. In the absence of any perversity being pointed out, no interference is called for by this Court in the present civil revision petition.

Dismissed.

March 22, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No