

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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2023:PHHC:162476

**CR-3413-2021 (O&M)
Date of decision: 18.12.2023**

RAJENDER PRASAD

..Petitioner

Versus

ANIL KUMAR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikram Singh, Advocate
& Mr. Abhinav Sood, Advocate
for the petitioner.

Mr. Vijay Sharma, Advocate
and Mr. Himanshu Joshi, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. The tenants assails the correctness of the concurrent orders passed by the learned Rent Controller, which in appeal have been affirmed by the Appellate Authority while ordering his eviction from the shop in question. Both the Courts have held that the building has become unfit and unsafe for human habitation.

2. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3. The learned counsel representing the petitioner contends that a previous petition was filed by the landlord in the year 2011 and when he filed the petition, the ground of building becoming unfit and unsafe was also available, so he should have added it as one of the grounds in the eviction petition. He submits that second petition filed under Section 13 of The Haryana Urban (Control of Rent & Eviction) Act, 1973, on 20.09.2013, was not maintainable in view of the doctrine of constructive res judicata.

4. This Court has considered the submissions of the learned counsel representing the parties.

5. The first petition was filed in the year 2011, whereas, the second petition under Section 13 of the aforesaid act before the learned Rent Controller was filed on 20.09.2013. The petitioner has not led any evidence to prove that the aforesaid ground was available to the landlord when he filed the eviction petition. Moreover, with each passing day, the condition of the shop is deteriorating and the building is becoming more unfit and unsafe with the passage of time. Hence, there is no substance in the argument of the learned counsel representing the petitioner. Moreover, the scope of interference in the concurrent findings of the fact arrived at by the Courts below while exercising revisional jurisdiction is extremely limited as to interpreted by the Supreme Court in **Hindustan Petroleum Corporation Limited Vs. Dilbahar Singh (2014) 9 SCC 78.**

6. Consequently, finding no merit, the revision petition is dismissed.

7. At this stage, the learned counsel representing the petitioner prays for some time to permit the petitioner to relocate himself. The petition before the learned Rent Controller was filed in the year 2013. He has already contested the matter for a period of more than 10 years.

8. Keeping in view the aforesaid facts, the petitioner is granted only two months time i.e. upto 29.02.2024, to hand over the vacant possession of the premises to the landlord.

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

December 18th, 2023

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No