

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

108

2024:PHHC:055525

**CR-4465-1999 (O&M)
Date of decision: 24.04.2024**

ROOP CHAND

..Petitioner

Versus

RITU RANI (DECEASED) THROUGH LRS.

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. C.M. Munjal, Advocate
for the petitioner.

Mr. Amit Jain, Sr. Advocate
with Mr. Varun Prakash, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is the tenant, who has been ordered to be evicted by the Rent Controller, which in appeal has been affirmed by the Appellate Authority. It has come on record that the tenant ceases to occupy the premises without any reasonable cause for the last 10 years before the filing of the petition. Local commissioner appointed by the Rent Controller inspected the demised shop on 17.03.1992 in the presence of tenant and it was reported that it has never been used by the tenant for the last more than 10 years. Apart from the local commissioner, the evidence of landlord, Sh. Ravi Kumar, neighbour was recorded. Thus, both the Courts concluded that the tenant has ceased to occupy the premises.

2. The learned counsel representing the petitioner contends that the findings of fact recorded by the Courts below are erroneous as the evidence has not been properly appreciated.

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

4. The local commissioner is an officer of the Court, who is deputed to investigate and report. He has given a detailed report to the effect that the tenanted premises has not been used for the last 5-6 years. When he reached at the spot, the tenant unlocked the door and entered the premises. It was found that two condemned single sofa seats and one broken earthen pot was lying there. The entire area was covered with dust giving impression that the same had not been in use for a long time. In the store-type cabin, which was adjacent to the corridor, broken wooden articles covered with dust were found. The electric fitting was also in the poor condition and there was no arrangement of water supply.

5. Keeping in view the aforesaid detailed report, the Courts have passed the order.

6. The scope of interference in a revision petition is extremely limited as delineated in **Hindustan Petroleum Corporation Limited Vs. Dilbahar Singh (2014) 9 SCC 78.**

7. Hence, dismissed accordingly.

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

April 24th, 2024

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No