

**(2019) 12 SHI CK 0080**  
**In the High Court Of Himachal Pradesh**  
**Case No : Civil Revision No. 82 Of 2012**

|                                                  |            |
|--------------------------------------------------|------------|
| Shyam Lal (Deceased) Through His Lrs And Another | APPELLANT  |
| Vs                                               |            |
| Roshan Lal And Others                            | RESPONDENT |

---

**Date of Decision :** 19-12-2019

**Acts Referred:**

**Citation :** (2019) 12 SHI CK 0080

**Hon'ble Judges :** Sureshwar Thakur, J

**Bench :** Single Bench

**Advocate :** Hamender Chandel, Bhupender Gupta, Rinki Kashmiri

**Final Decision :** Dismissed

---

## Judgement

Sureshwar Thakur, J

1. The tenants, in the demised premises, becoming aggrieved, from the concurrently recorded verdicts, against him, by both the learned Courts below, where through, they became ordered hence to evict the demises premises, and, for casting an onslaught thereon, rather thereagainst, rerar the, instant civil revision petition, before this Court.

2. Both the learned Courts below, had, on the available evidence(s), before each, and, appertaining, to the issue, relating to the building, wherein, the demised premises, are located, becoming unsafe and unfit, for human habitation, (i) besides, relating to the connected therewith issue, and, appertaining to the building, wherein, the demised premises, are, housed, being required, for its re-building, and, re-construction, rather by the landlord, hence made finding(s) thereon, vis-à-vis, the landlord.

3. The aggrieved tenants would become faciliated, to, make a valid challenge, upon the concurrent verdicts, pronounced against him, by both the learned Courts below, (i) upon his making allusion, to the relevant evidence, as existing on record, and its making display, vis-à-vis, the afore, grounds, becoming

stained, with, the vice of malafides, or, also theirs becoming spuriously raised grounds. The afore evidence, would be comprised in, hence documentary evidence, unveiling, vis-à-vis, the building, wherein, the, demised premises, are, housed, becoming, in, contemporaneity, vis-à-vis, the institution, of, the extant rent petition, rather leased on, rent by her, hence, on, a quantum, of, rent higher, vis-à-vis, the oneas, attorned, extantly, by the hereat tenant, (ii) or, the endeavour, of the land lord, to, strive, for re-construction, of, the building, wherein, the demised premises, are, located, rather becoming, a, vitiated espousal, hence, earmarked, by the factum, qua his not, holding sufficient funds, for re-building, the, demised premises, after demolishing the building, wherein, it is housed, (b) and his not holding the relevant sanction plan, from the authorities concerned. A perusal of the Ext. P-5, makes clear under-lining, vis-à-vis, the demised premises, becoming collapsed, and, the afore factum has also become admitted by RW-4. The effect of the afore, is, vis-à-vis, the land lord, rather proving, vis-à-vis, the portion of the building, wherein, the demised premises, exists, rather facing imminent collapse, and hence unless the tenants, are ordered, to be, evicted, for, the, tenanted premises, (c) neither the apt renovation(s), or re-construction, thereof, becoming possible. In sequel, the findings, returned on the ground, appertaining to the tenanted premises becoming, unsafe and unfit, for, human habitation, are, not amenable, for, interference, being made, by this Court.

4. Be that as it may, the statutory right, of, the land lord, to, make valid pleadings, and, also to prove the statutory ground(s), appertaining to his, aspiration of, re-constructing, the, apt building, after demolishing the same, for his hence enhancing the commercial value thereof, and, for his therein, establishing profitable commercial activities, besides obviously, for hence, it rearing mere profitable dividends, to him, as, hitherto not reared therefrom, has, hereat rather become, the, apt pleaded grounds, of, eviction, (i) besides, the, afore pleaded grounds, of eviction, of, the tenants, from the demised premises, is, completely segregable vis-à-vis, the other statutory grounds, as embodied in the apposite building, becoming unsafe and unfit, for human habitation. If so, even though, any other portion of the building, than the one, wherein, the demised premises, hence exist, are, not beset with any imminent collapses, or even if, longevity thereof, not becoming an imminent catastrophe, (i) nonetheless, the further statutory grounds, reared by the land lord, for seeking eviction, of, the tenant, inasmuch as, his being facilitated, for, his after demolishing the building, his re-constructing it, hence, for rendering, it becoming, a, more financially profitable enterprises, for him, (iii) cannot yet be scuttled, by the tenant, as the eviction, of, the tenant from the tenanted premises, upon the afore ground, is, always, with the further preservation, of, also a statutory right, of, apt re-induction, of, the tenant(s), hence, on, the apt re-construction, of, the building, rather on fresh terms and conditions.

5. Since, PW-6, has also deposed, vis-a-vis, the building plans, submitted by the land-lord, becoming meted sanction, hence by the competent authorities, and

when rather it would be facilitative, vis-à-vis, the land lord, to, after demolishing the building, wherein, the demised premises, are housed, hence for making re-construction(s), thereof, (i) thereupon, when no apt vitiatory grounds, are, either pleaded nor are proven by the tenants, for blunting, the, landlords' espousal, hence, the concurrent verdicts of eviction, pronounced, against the tenants, are, affirmed, and, maintained. However, liberty is reserved to the tenants, to, after re-construction, of, the demised premises, seek their apt re-induction(s) therein, on, fresh terms, and, conditions.

6. Consequently, there is no merit in the instant petition, and, the same is dismissed. The impugned verdict, pronounced by the learned District Judge, Hamirpur, in Rent Appeal No. 02/2008, affirming the order, of, 17.1.2008, pronounced by the learned Rent Controller Hamirpur, in Lower Court Rent Petition No. 12 of 2001, is, affirmed, and, maintained. Also, the pending application(s), if any, are disposed of.