

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

COCN No.3364 of 2014

Date of decision:16.01.2015

Pavan Aga

... Petitioner

Vs.

Kamal Kalra

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Sourabh Goel, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J.

The instant contempt petition has been filed asserting willful disobedience and non compliance of an undertaking furnished by the respondent on 24.03.2014 before the Rent Controller, Gurgaon.

Counsel for the petitioner has been heard.

Statement of the respondent, who was a tenant of Flat No.TG-5, 7B, Orchid Garden Sun City, Gurgaon is placed on record at Annexure P-1, whereby he had stated that he would hand over the vacant and peaceful possession of the premises to the present petitioner on 25.06.2014.

Apparently, thereafter, the matter was proceeded further and the provisional rent was assessed by the Rent Controller, Gurgaon to the tune of Rs.2,57,250/- vide order dated 24.03.2014 (Annexure P-2) and in the presence of the counsel of the respondent. The conceded position is that after having furnished the undertaking, the respondent had appeared before the Rent controller on a particular date and the matter had been adjourned on his request. It is also uncontroverted that on 22.05.2014, the Rent

Controller, Gurgaon has passed the eviction order under Section 13 of the Haryana Urban (Control of Rent & Eviction) Act, 1973 (Annexure P-3) solely on the ground of non payment of rent, interest and cost.

Suffice it to observe that such eviction order is not in terms of the undertaking furnished by the respondent/contemner but on the ground of non tendering of the rent duly assessed. It is further the conceded position of the fact that after the passing of the eviction order, even execution proceedings had been initiated at the hands of the present petitioner.

Under such circumstances, this Court is of the view that no ground for contempt is made out.

Petition accordingly, is, dismissed.

16.01.2015

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE