

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No.1143 of 2015
Date of decision: 19.02.2015

Manjit

....Petitioner

Versus

Pardeep Kumar Aggarwal and another

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. C.B.Kaushik, Advocate for the petitioner.

G.S.Sandhawal J.(Oral)

Challenge herein by the petitioner-tenant is to the eviction order dated 2.4.2014 passed by the Rent Controller, Dera Bassi on account of non deposit of the provisional rent assessed on 25.2.2014.

Admittedly, the Rent Controller, Dera Bassi had assessed the provisional rent at the rate of ₹ 3500/- per month from 1.4.2013 to 28.2.2014 along with interest and costs totalling a sum of ₹ 40,655/-. The case was adjourned to 2.4.2014 on which date the rent was not tendered though the Rent Controller, Derra Bassi waited till 4.00 PM. Accordingly, the eviction order was passed keeping in view law laid down in **Rakesh Wadhawan Vs. M/s Jagdamba Corporation (2002) 5 SCC 440** and **Rajan @ Raj Kumar Vs. Rakesh Kumar 2010 (2) PLR 201.**

The appeal was filed on 24.4.2014 before the Appellate Authority, SAS Nagar and the plea taken was that the appellant's father was ill and admitted to PGI and therefore, rent could not be tendered. The Appellate Authority, SAS Nagar noticed that there was no document regarding the appellant's father illness or his father being admitted to PGI and resultantly dismissed the appeal.

Counsel for the petitioner vehemently contends that some time may be granted since the petitioner's father has also expired due to illness.

A perusal of the death certificate (Annexure P/1) would go on to

PRADEEP KUMAR ARORA
Advocate
I attest to the accuracy and integrity
of this document
Punjab and Haryana High Court,
Chandigarh

show that Ram Sarup, father of the petitioner expired much later in September, 2014. The grounds of appeal filed before the Appellate Authority, SAS Nagar would also show that the appellant only stated that he was ready to pay the rent but never attached any demand draft to show his bonafide that the rent could not be deposited due to illness of his father as alleged. Once the mandatory requirement had not been complied with no fault can be found in the well reasoned order passed by the authorities below. The said view has been consistently followed in **M/s Nihal Singh Motors and others Vs. Shama Malhotra etc. 2004(3) PLR 389** and **Sanjeet Singh Vs. Mohali Motor Finance Co. and another 2011(3) PLR15** in which it has been specifically held that there is no jurisdiction to extend the period of time of the provisionally assessed rent without any reason and on failure, eviction would automatically follow.

Thereafter, in **Mrs. Birinder Khullar Vs. Maninder Singh 2011 (3) PLR 38** also the same view was taken. This Court in **Civil Revision No.7258 of 2014-M/s G.C.S.Computer Technology Pvt. Ltd. Vs. Inderdeep Singh Dhillon** decided on 19.11.2014 has also taken a similar view. In such circumstances, no indulgence can be granted to the tenant who is continuing to hold possession of the premises in question without payment of rent.

Accordingly, the present revision petition is dismissed.

19.02.2015
Pka

(G.S.SANDHAWALIA)
JUDGE