

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 2470 of 2015 (O&M)

DATE OF DECISION : November 17, 2015

Ajit Pal

..... PETITIONER(S)

VERSUS

Paramjit Singh & ors.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Vinod Kataria, Advocate, for the petitioner.

...

1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO
2. To be referred to the Reporter or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

...

ARUN PALLI, J. (Oral)

Eviction of the tenant-petitioner was sought on the ground of non-payment of rent and misuse of the tenanted premises. Vide order dated 04.10.2011, Rent Controller assessed the provisional rent at the rate of ₹40,000/- per month, payable from 01.07.2006 to October, 2011, along with interest and costs.

Tenant was required to tender a sum of ₹29,77,000/- to the

landlord on 07.11.2011. The order of assessment of provisional rent was assailed by the tenant by way of an appeal, which was dismissed and, as a consequence, the order dated 04.10.2011, had since attained finality. Post dismissal of the appeal, the matter was adjourned by the Rent Controller for 03.12.2011 for the payment of provisionally assessed rent. As, concededly, the assessed rent was never tendered, Rent Controller ordered ejectment of the petitioner on 03.12.2011. The said order was assailed by the petitioner by way of an appeal before the appellate authority. And as vide order being assailed, dated 16.02.2015, even the appeal preferred by the petitioner was dismissed, he is before this court, vide this revision.

I have heard learned counsel for the petitioner and perused the record.

Concededly, the order of assessment of provisional rent dated 04.10.2011 has become final between the parties. The provisionally assessed rent was never tendered by the petitioner despite opportunities granted. Therefore, in terms of the decision rendered by the Hon'ble Supreme Court in Rakesh Wadhawan and others vs. Jagdamba Industrial Corporation and others, AIR 2002 SC 2004, the Rent Controller was left with no option in law but to order eviction.

Learned counsel for the petitioner could not point out that in the situation in hand, how could the order of eviction passed by the Rent Controller and affirmed in appeal, could be said to be erroneous or unsustainable.

That being so, no interference is warranted in

exercise of revisional jurisdiction under Section 15(5) of the East Punjab Urban Rent Restriction Act, 1949. Petition being devoid of merit is, accordingly, dismissed in limine.

NOVEMBER 17, 2015
Kang

(ARUN PALLI)
JUDGE