

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

CR No. 2745 of 2014 (O&M)

Date of decision: 21.04.2015

Neelam Kumari

....Petitioner

Versus

Beant Arora

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sumit Ahuja, Advocate
for the petitioner.

Mr. Ashish Rawal, Advocate
for the respondent.

SABINA, J.

Respondent had filed petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 seeking ejectment of the petitioner and Asha Begam from the premises in question. The Rent Controller vide order dated 14.01.2014 allowed the ejectment petition on the ground of non-payment of arrears of rent. The said order was upheld by the Appellate Authority vide order dated 20.03.2014. Hence, the present petition by the petitioner (tenant).

Learned counsel for the petitioner has submitted that petitioner could not pay the arrears of rent as she had been involved in a false criminal case by the respondent and FIR No.8 dated 11.01.2014 (Annexure P-1) was registered against the petitioner. Therefore, the petitioner could not deposit the arrears of rent on 14.01.2014.

Learned counsel for the respondent on the other hand has submitted that the petitioner had failed to deposit the arrears of rent

despite opportunity and the Rent Controller had rightly ordered the ejectment of the petitioner from the premises in question. Learned counsel for the respondent has further submitted that in the execution proceedings possession of the premises in question was handed over to the respondent on 26.05.2014.

I have heard learned counsel for the parties and have gone through the record available on the file, carefully.

In the present case respondent had sought ejectment of the petitioner from the premises in question. The Rent Controller vide order dated 11.12.2013 assessed the provisional rent and the case was adjourned to 14.01.2014 for tendering the assessed provisional rent. However, on the said date the petitioner had failed to tender the provisional rent. In this situation the Rent Controller was left with no other alternative but to order the ejectment of the petitioner from the premises in question. Although, learned counsel for the petitioner has submitted before this Court that petitioner could not pay the arrears of rent on the date fixed as FIR was registered against her on 11.01.2014 but during the course of arguments learned counsel for the respondent has shown the grounds of appeal taken by the petitioner while filing the appeal. A perusal of the said grounds of appeal reveal that it was nowhere pleaded by the petitioner before the Appellate Authority that the petitioner could not deposit the arrears of rent as she had been involved in a criminal case. In these circumstances, the plea taken by the petitioner before this Court that the arrears of rent could not be paid as FIR had been registered against the petitioner appears to be afterthought.

Moreover, there is nothing on record to suggest that the petitioner had been arrested on or before 14.01.2014 in the criminal case registered against her and due to this reason she could not deposit the arrears of rent. Moreover, in the execution proceedings possession of the premises in question has already been handed over to the landlord.

No ground for interference is made out.

Dismissed.

April 21, 2015

Naveen

**(SABINA)
JUDGE**