

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

**CR No.3100 of 2015 (O&M)
Date of decision : May 07, 2015**

Rajesh Narang

..... Petitioner

Versus

Paramjit Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE GURMIT RAM

1. To be referred to the Reporters or not? No / Yes
2. Whether the judgment should be reported in the Digest? No / Yes

Present : Mr. Parvez Chugh, Advocate,
for the petitioner.

GURMIT RAM, J.

1. This revision is preferred by the petitioner (tenant) against the order dated 06.05.2014 passed by the learned Rent Controller, Ferozepur vide which the ejectment petition for the ejectment of the tenant (petitioner herein) from the demised premises was accepted and judgment dated 09.02.2015 vide which the appeal filed by the present petitioner (tenant) against the aforesaid order of the learned Rent Controller was dismissed.

2. The case of the respondent herein (landlord) in brief before the learned Rent Controller was that he is the owner/landlord of the demised shop and that respondent is in its possession as a tenant on a monthly rent of

₹4,000/-. Petitioner sought the ejectment of the respondent from the demised premises on the ground on non-payment on rent w.e.f. 01.09.2011 and that he requires the demised shop for his own use and occupation.

3. On notice tenant-respondent appeared and filed written statement admitting the relationship of landlord and tenant between the parties. It was further his plea that rate of rent of the demised shop is ₹1,200/- per month, besides, the electricity charges. It is denied that rent of demised shop is ₹4,000/- per month. Rest of the averments were also denied by the respondents.

4. Learned Rent Controller after hearing learned counsel for both the parties and going through the record assessed the provisional rent of the demised premises vide order dated 24.03.2014 and the matter was adjourned for the payment of the rent as provisionally assessed. On the adjourned date neither respondent turned up nor the amount of the provisionally assessed rent along with interest and cost was tendered. The learned Rent Controller while relying on an authority of our Hon'ble High Court titled as ***M/s S. Nihal Singh Motors and Others vs. Shama Malhotra etc., 2004(3) CCC 681***, accepted the ejectment petition and ordered the ejectment of the respondent from the demised premises with the condition that he will handover the vacant possession of the demised premises to the petitioner within three months vide impugned order dated 06.05.2014 from the date of this order. Respondent preferred an appeal against this order before the learned Appellate Authority, Ferozepur, which was dismissed vide impugned judgment dated 09.02.2015.

5. Being dissatisfied with the impugned orders passed by both the

Courts below, the petitioner/tenant has come up before this Court by way of instant revision petition.

6. I have heard the learned counsel for the tenant (petitioner herein) and also perused the record with his able assistance.

7. Learned counsel for the petitioner (tenant) contended that at least one opportunity be granted to the petitioner (tenant) in order to enable him to pay the amount of provisional rent as assessed by the learned Rent Controller, Ferozepur. But he could not give any justification as to why the amount of the provisionally assessed rent along with interest and cost was not tendered by the petitioner (tenant) on the date as fixed by the learned Rent Controller for this very purpose. Even in Para No.4 of the grounds of revision, it is mentioned that on 06.05.2014, petitioner (tenant) received a call on mobile from his counsel at 2:15 PM who directed him to come to the Court immediately and then he reached the Court at about 2:40 PM. This act and conduct of the petitioner (tenant) also shows that he had no intention to pay the amount of provisionally assessed rent on the date fixed i.e. 06.05.2014. As per his above averments, he went to the Court on the said date on the mere asking of his counsel and not at his own. It is settled law that if the tenant does not tender the provisional rent as assessed by the learned Rent Controller on the first date of hearing then no further order was required to be passed by the learned Rent Controller except the order of eviction. Herein the authority as laid down by a Co-ordinate Bench of this Court titled as *Anil Kumar vs. Ghanshyam Dass, 2012 (1) R.C.R. (Rent) 153* is followed.

8. In the light of the above discussion, no merit is found in this

revision petition, so it stands dismissed and disposed of accordingly.

9. At this stage learned counsel for the petitioner (tenant) has requested for some time to vacate the demised premises so that the petitioner (tenant) may be able to make his arrangements by finding alternative suitable accommodation. So in the interest of justice, he is granted three months time to vacate the demised premises and to deliver its vacant possession to the landlord (respondent herein) within this stipulated time with the condition that he will clear all the arrears rent, if any, as well as of the mesne profits within one month from today. In case he fails to comply with this condition then in that eventuality the respondent-herein (landlord) will be at liberty to initiate execution proceedings against him to get the vacant possession of the demised premises in due course of law. Respondent be informed accordingly.

10. If the respondent-herein (landlord) has any objection with regard to the grant of this time, then in that eventuality he is at liberty to approach this Court for the revival of this revision petition.

May 07, 2015
Gaurav Sorot

(GURMIT RAM)
JUDGE