

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 1999 of 2016
Date of decision : 30.03.2016

Sunil Sood

.....Petitioner

versus

Rajinder Pal

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Vinay Kumar Gupta, Advocate for the petitioner.

Mr. Abhishek Bhaskar, Advocate for the respondent.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

Today learned counsel for the petitioner has argued that the petitioner is not agreeable to withdraw the petition and wants a decision on merits.

By this petition the petitioner has challenged the orders of the Courts below ordering his eviction on the ground of non-payment of rent w.e.f. 1.1.2009.

The petitioner took the plea that he had paid the rent to one Pawan Kumar who deposited in the name of the daughter-in-law of the respondent and he had paid this rent up to 31.07.2014. On this pleading the Court ordered provisional rent payable from 1.1.2009 to 30.09.20014 and gave an opportunity to the petitioner to deposit the rent. He was granted two months time to pay the rent and on that day he sought seven days time. The petitioner not having deposited the provisional rent the ejectment was allowed.

In appeal the only ground taken by the petitioner was that he came to know of the order regarding deposit only one day prior to the date fixed and that is why he had sought seven days time. The Appellate Authority held that in view of the judgment passed by the Hon'ble Supreme in the case of **Rakesh Wadhawan and others v. Jagdamba Industrial Corporation and others, 2002(2) Punjab Law Reporter 370(SC)** and by this Court in the case of **M/s S.Nihal Singh Motors and others v. Smt.Shama Malhotra and another, 2005(1) Local Acts Reporter 70(P&H)**, no further opportunity could be granted to the petitioner and consequently dismissed the appeal. Learned counsel is not able to show any law which may have taken a contrary view to the judgments relied upon by the Appellate Authority i.e. Rajesh Wadhawan's case(supra) and M/s S.Nihal Singh's case(supra).

Consequently the petition is dismissed.

Since the main case has been decided, the Civil Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

March 30, 2016
sunita