

107

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

**C.R. No. 2633 of 2016 (O&M)
Date of Decision : 31.05.2016**

Jugraj Singh

..... Petitioner

Versus

Baldev Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rajesh Bhatheja, Advocate
for the petitioner.

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)

Since on 22.07.2015 provisional rent was assessed and the matter was adjourned to 27.08.2015 for deposit, same not having been deposited eviction order was passed.

Learned counsel has argued that the petitioner never came to know on 22.07.2015 that infact provisional rent had been assessed and was under the impression that the matter has been adjourned to 27.08.2015. However, it has been found by both the Courts below that the provisional rent was assessed in the presence of counsel for the petitioner. Consequently, this argument would not lie in the mouth of the petitioner.

Second argument raised by learned counsel for the petitioner is that when the petitioner filed an appeal the Appellate Authority had directed him to deposit the rent and that rent having been deposited the ground of non-payment would cease to exist.

In my opinion this argument also can not be accepted. If by an interim order the petitioner was allowed to deposit the rent it would not mean that the default has not occurred. The Supreme Court in the case of *Rakesh Wadhawan and others Vs. M/s Jagdamba Industrial Corporation and others Vs. Jagdamba Industrial Corporation and others* reported as 2002 (2) Punjab Law Reporter 370 and this Court in *Sushil Kumar v. Komal Sidhu reported as 2011(1) Law Herald (P&H) 78* held that no further extension could be granted by the Rent Controller.

The petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

May 31, 2016

pooja sharma-I

**(AJAY TEWARI)
JUDGE**