

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

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Civil Revision No.4940 of 2016 (O&M)

Date of Decision: September 08, 2016

The Secretary to Government of Punjab, Department of Agriculture-3,
Chandigarh and others

...Petitioners

Versus

Neelam Jayal

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Nilesh Bhardwaj, Deputy Advocate General, Punjab,
for the applicants-petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this revision is to the order dated 11.05.2015 passed by the Rent Controller, Ludhiana, whereby petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, preferred by the respondent-landlady against the petitioners, has been allowed on the ground that the provisional rent, as assessed, has not been deposited within the time which was fixed, appeal preferred against the said order has been dismissed by the Appellate Authority, Ludhiana, on 04.05.2016.

2. It is the contention of learned counsel for the petitioners that the facts, as has been narrated in the impugned orders, cannot be disputed, however, he asserts that the Rent Controller as also the Appellate Authority and this Court have powers to extend the time for deposit of the provisional rent. Because of the non-exercise of the said powers, the petitioners cannot be made to suffer. Reliance has also been placed upon the provisions of Order XXVII Rule 7 read with Section 151 CPC to contend that the authorities below should have exercised the said power for extension of time to deposit the provisional rent, as assessed, on the petitioners having

failed to deposit the same within the time specified.

3. I have considered the submissions made by learned counsel for the petitioners and with his assistance, have gone through the impugned orders but do not find myself in agreement with the submissions, as has been put forth by the counsel.

4. There can be no dispute that the Rent Controller primarily is to inquire into the matter and it cannot be said *stricto sensu* that all provisions of the Code of Civil Procedure are applicable. The limitation, as has been provided under the provisions of the East Punjab Urban Rent Restriction Act, 1949, have, therefore, to be seen in that context. Order XXVII Rule 7 would not be of any help in the facts and circumstances of the present case, especially in view of the law laid down by the Hon'ble Supreme Court in *Rakesh Wadhawan Versus M/s Jagdamba Industrial Corporation 2002(1) RCR (Rent) 2014*.

5. In view of the settled preposition of law, the assertion of the counsel for the petitioners cannot be accepted and extension in time for tender of the provisional rent as assessed by the Rent Controller, cannot be granted.

6. The present revision petition is devoid of merit and, therefore, stands dismissed.

7. In the light of the dismissal of the petition, the application for stay i.e. CM No.15152-CII of 2016, stands disposed of as infructuous.

September 08, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No