

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

**C.M. NOS.15342-43 CII OF 2016 &
CIVIL REVISION NO.4989 OF 2016
DATE OF DECISION: AUGUST 05, 2016**

Mauji Ram

.....Petitioner

VERSUS

Surinder Kaur

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Manvinder Singh Dalal, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M.A. No.15342 CII of 2016

Application is allowed as prayed for subject to all just exceptions.

C.M. No.15343 CII of 2016 & Civil Revision No.4989 of 2016

Challenge in this revision petition is to the order of Rent Controller, Ludhiana, dated 17.03.2016 vide which the rent was provisional assessed and thereafter the order dated 21.04.2016 was passed because of non-submission of provisional rent, ordering eviction of the petitioner by granting him a period of two months to hand over the vacant possession. Against said order, an appeal was preferred, which has also been dismissed by the learned Appellate Court vide judgement dated 16.07.2016.

Counsel contends that the initial provisional assessment of the

rent and arrears thereof is erroneous and, therefore, the same is not sustainable and consequently the order dated 21.04.2016 passed by the Rent Controller as also the order passed by the Appellate Authority dated 16.07.2016, be set-aside and the petitioner be permitted to continue in the demised premises till the decision of eviction petition on merits by the Rent Controller, Ludhiana.

I have considered the submissions made by learned counsel for the petitioner and with his assistance have gone through the impugned order.

The plea of counsel for the petitioner with regard to the assessment of provisional rent and the arrears thereof to be on higher side could have been gone into, had the petitioner tendered the rent as assessed within the time stipulated by the Rent Controller, which admitted he has failed to do. In those circumstances, the Rent Controller had no option but to pass an order of eviction, which has rightly been done by him vide order dated 21.04.2016. The Appellate Authority having gone into the aspect of assessment of the provisional rent as also with regard to non-tendering thereof, has rightly proceeded against the petitioner and decided the same keeping in view the law as laid down by the Hon'ble Supreme Court in Rakesh Wadhawan Vs. M/s Jagdamba Industrial Corporation, 2002 (2) Rent LR 36 SC, where the conclusions have been summed up in Para 30 of the said judgement. In the light of the law, as has been laid down by the Hon'ble Supreme Court, the orders as passed by the Rent Controller as also that of the Appellate Authority being in accordance with law do not call for any interference by this Court.

The revision petition therefore, being devoid of merit, stands dismissed.

Since the main revision stands dismissed, C.M. No.15343 CII of 2016, for staying dispossession of the petitioner from the demised premises and also the operation of the impugned orders is also dismissed.

**August 05, 2016
khurmi**

**(AUGUSTINE GEORGE MASIH)
JUDGE**

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