

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.5366 of 2016
Date of Decision: September 24, 2016

Surjit Kaur

.....Petitioner

Versus

Baldev Raj

....Respondent

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

Present: Mr. P.S. Khurana, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

While issuing notice of motion on 26.08.2016, following order
was passed:

*“Counsel for the petitioner contends that the
respondent-tenant has neither paid the arrears of rent nor he
is depositing the rent by 7th of each month and has also not
furnished the undertaking as per the order dated 26.02.2016
(Annexure P-1) passed by this Court.*

Notice of motion for 24.09.2016.

Dasti only.

To be shown in the urgent list.

*A photocopy of this order be placed on the file of
other connected case.”*

Despite service none has put in appearance on behalf of the
respondent.

The assertions as made in the revision petition, are, thus, accepted
that the respondent has neither given any undertaking before the Rent
Controller, Dasuya within time nor deposited the arrears of rent.

In view of the above, the Rent Controller, Dasuya should proceed with the execution proceedings and get possession of the demised premises. The observations made by the Executing Court in the order dated 16.07.2016, while adjourning the case to 07.01.2017 is not in consonance with the order dated 26.02.2016 in Civil Revision No.7539 of 2015 (*Sanjiv Kumar Vs. Surjit Kaur*), passed by this Court, according to which failure on the part of the respondent to either deposit the arrears of the rent or for non-submission of the undertaking, the Executing Court could proceed to evict the respondent-tenant.

The present revision petition is disposed of, accordingly.

September 24, 2016
ps-I

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No