

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

**Civil Revision No.6485 of 2016 (O&M)
Date of Decision:December 06, 2016.**

Manjit Singh

.....PETITIONER(s).

VERSUS

Puran Parkash

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Hitesh Kumar Sammi, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Respondent Puran Parkash filed petition under Section 13 of East Punjab Urban Rent Restriction Act, 1949 seeking ejectment of the revision petitioner from the demised shop on the ground of non-payment of rent w.e.f. 01.12.2004 and his personal bona fide necessity. It was pleaded that the rate of rent was settled between the parties as ₹600/- per month with 10% increase every year.

2. Revision petitioner admitted the rate of rent but denied that there was any clause in the agreement with regard to increase of rent. He further alleged that rent up to May, 2015 had already been paid.

3. The Rent Controller vide order dated 23.10.2015 assessed the provisional rent, which turned out to ₹1,05,138/- and the date was fixed for 23.11.2015 for the payment of said rent. Revision petitioner, however, committed default in payment of rent and vide order dated 23.11.2015, he

was ordered to be ejected from demised premises.

4. Revision petitioner-tenant filed appeal, which was dismissed by the Appellate Authority.

5. Learned counsel for the revision petitioner has argued that the tenancy was created in the year 1989. The revision petitioner had been paying the rent regularly, however, no receipt was issued to him. Respondent-landlord claimed rent from 01.12.2004 till the date of filing of the petition i.e. 21.04.2015. The Rent Controller while assessing the provisional rent, has not looked into this fact that no landlord will wait for 11 years for payment of rent by tenant. Claim of landlord for rent beyond three years before filing of petition was barred by limitation and revision petitioner is ready to pay arrears of rent for three years prior filing of petition.

6. The Rent Controller has assessed the provisional rent while relying on the rate of rent as admitted by the revision petitioner i.e. @ ₹600/- per month without accepting any clause for annual enhancement. However, the revision petitioner could not produce any receipt of payment of rent upto May, 2015 and relying on the plea of landlord that rent w.e.f. 01.12.2004 onwards has not been paid, the arrears of rent has been assessed as 78,600/-. The revision petitioner never challenged the order of Rent Controller assessing the provisional rent.

7. Learned counsel for the revision petitioner during the course of arguments has not been able to point out any legal flaw in the assessment order passed by the Rent Controller or cite any law or citation in support of his contention that respondent-landlord cannot recover the rent for a period

of more than three years before filing of ejectment petition and the revision petitioner is still ready and willing to pay the arrears of rent for the last three years prior to the filing of the petition. As the revision petitioner could not produce any evidence regarding payment of rent after 01.12.2004, his plea that he had paid rent upto April, 2015 was a matter of evidence, but he was legally bound to pay the provisional rent assessed by Rent Controller. As the revision petitioner has not paid the provisional rent assessed by the Rent Controller, both the authorities i.e. Rent Controller and Appellate Authority have committed no error of law while ordering and confirming the ejectment of revision petitioner from the shop in dispute.

8. I find no reason to interfere with the order/judgment passed by the authorities below in this revision petition, which has no merits.

Dismissed.

December 06, 2016.

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No