

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

129

Civil Revision No.8619 of 2016 (O&M)

Date of Decision: December 21, 2016

Madan Kumar

...Petitioner

Versus

Kewal Krishan

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Aashna Gill, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this revision petition is to the order dated 20.02.2016 passed by the Rent Controller, Chandigarh, whereby petition under Section 13 of The East Punjab Urban Rent Restriction Act, 1949, for ejectment of the petitioner-tenant on the ground of non-payment of rent, has been allowed, appeal against which preferred by the petitioner stands dismissed by the Appellate Authority, Chandigarh, on 21.09.2016.

2. It is the contention of learned counsel for the petitioner that the respondent-landlord has not approached the Court with clean hands as it was not disclosed that earlier he had filed eviction petition on the ground of non-payment of rent, where rent was paid to him till March, 2011. Arrears, if any, could have been for a period subsequent thereto and for that also, three receipts were issued to the petitioner, wherein ₹6,000/- was paid for a period of three months at each stage. These receipts clearly indicate that the rent has been paid at the rate of ₹2,000/- per month and ₹6,000/- which was mentioned therein was for a period of three months, for example April, May and June, 2011 and July, August and September etc.

She, therefore, contends that the Courts below have not properly appreciated the pleadings and the evidence brought on record while coming to the conclusion that the rent from April, 2011 onwards continued to be ₹2,000/- rather than ₹6,000/- as has been said by the Courts below. She further contends that the employee of the respondent-landlord had been taking signatures of the tenant on the carbon copy separately apart from original one. It is for this reason that the signatures of the petitioner are found on the carbon copy. She, thus, contends that the impugned orders cannot sustain and deserve to be set aside.

3. I have considered the submissions made by learned counsel for the petitioner but do not find myself in a position to accept the plea, as has been raised.

4. It is apparent from the orders passed by the Authorities below that it is an admitted position that rent upto March, 2011 at the rate of ₹2,000/- per month had been received by the respondent-landlord. It is the period subsequent thereto which had to be taken into consideration by the authorities below. Exhibits P-1 to P-3 are the carbon copies of the rent receipts which have been produced by the respondent-landlord which clearly depict that the payment of rent is at the rate of ₹6,000/- per month for the months of April 2011, May 2011 and June 2011. The original receipts which have been produced by the petitioner show that there are few more words which have been added to the receipts in the month of April, 2011 i.e. apart from April, May and June have also been added. Similar is the position with regard to the other receipts as well. It is difficult to accept that the carbon copy would not contain such words

if it would have been in the original receipt as admittedly the carbon copies have been produced in Court as Exhibits P-1 to P-3 which are for the months of April 2011, May 2011 and June 2011 respectively which do contain the signatures of the petitioner. That apart, as the orders depict that in the cross-examination, the petitioner admitted that he had never earlier paid rent in advance. The findings, therefore, as recorded by the Courts below, cannot be faulted with as in the documentary evidence which has been produced by the respondent, it is apparent and clear that the rent from April 2011 onwards was ₹6,000/- per month as is depicted in the carbon copies of the rent receipts.

5. There being no merit in the present revision petition, the same stands dismissed.

6. In the light of the dismissal of the petition, the application for stay i.e. CM No.26212-CII of 2016, stands disposed of as infructuous.

December 21, 2016

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No