

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1359 of 2016 (O&M)
Date of decision: 19.01.2017

Harbhajan Lal

....Petitioner

Versus

Janak Raj

...Respondent

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: None.

G.S. SANDHAWALIA, J. (Oral)

Case has been called twice. There is no appearance on behalf of the petitioner, despite the case having been listed in the urgent list on three occasions.

Present petition has been filed by the petitioner-tenant, aggrieved against the order of ejectment dated 11.03.2015, by the Rent Controller, Jalalabad (West), which was on account of the fact that the provisional assessment of rent had been made on 11.02.2005 @ Rs.2000/- per month from 01.11.1999. Accordingly, a sum of Rs.5,39,70/- were to be paid on 25.02.2015.

The case was taken up on 26.02.2015 and more time was sought to pay the assessed rent but the same was not paid. The case was, thereafter, kept for 11.03.2015, but payment was not done, leading to the order of ejectment, in view of the judgment of the Apex Court in ***Rakesh Wadhawan Vs. Jagdamba Industries, 2002 (1) RCR (Rent) 514***. The matter was, thereafter, taken in appeal and the same was rightly dismissed on 24.09.2015 by the Appellate Authority, who noticed that the appellant had not challenged the order dated 11.02.2015, passed by the Rent Controller.

The issue is no longer *res integra*. The Apex Court in **Rakesh Wadhawan's case** (supra) has held that once the payment of provisional rent as assessed is not made, the order of ejectment has to follow. The Division Bench of this Court in **Rajan @ Raj Kumar Vs. Rakesh Kumar 2010 (2) PLR 201** has clarified the issue that on the failure of the tenant to comply, nothing remains to be done and eviction has, necessarily, to follow. Resultantly, the view taken in **Rajinder Lal Vs. Gopal Krishan, 2006 (2) PLR 124** was overruled. A Single Bench of this Court in **Mrs. Birinder Khullar Vs. Maninder Singh 2011 (3) PLR 38** held that the Rent Controller would have no jurisdiction to grant further time for tendering provisional rent, keeping in view the observations made by the Division Bench.

In such circumstances, the orders passed do not suffer from any infirmity which would warrant interference. Accordingly, the present revision petition is dismissed.

January 19th, 2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No