

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

Civil Revision No.1203 of 2017(O&M)

Date of decision: 20.02.2017

Rakesh Sharma

...Petitioner

Versus

Inderjit Singh

...Respondent

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

Present: Mr. M.L.Saini, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner-tenant challenges the order dated 10.10.2016 whereby the Rent Controller, Jalandhar had ordered ejectment of the tenant on the ground of non payment of assessed provisional rent. The Appellate Authority, Jalandhar has also upheld the aforesaid order vide order dated 21.1.2017.

Counsel for the petitioner has vehemently submitted that assessment was made on the higher side on 9.3.2016 at the rate of ₹ 17,000/- per month as claimed by the landlord whereas the rent was payable only at the rate of ₹ 5,000/- per month and therefore eviction is not justified.

Counsel for the petitioner-tenant, however, does not deny the fact that the order of provisional assessment dated 3.9.2016 whereby the rent was assessed at ₹ 17,000/- per month was challenged but was not pressed before the Appellate Authority, Jalandhar eventually. Thus, the order had attained finality. The Rent Controller, Jalandhar has thus allowed the ejectment application on the ground that once the tender was to be made on the next date and the same has not been complied with, the eviction order is to be passed in view of the judgment of the Apex Court in **Rakesh Wadhawan & others Vs. M/s Jagdamba Industrial Corporation & others 2002(1) RCR (Rent) 514.**

As noticed the Appellate Authority, has relied upon the judgment of **M/s Nihal Singh Motors & others Vs. Sharma Malhotra etc. 2004(3) CCC 681 (P&H)** and **Gurvinder Singh Vs. Vinayak Bahal 2011**

(3) PLR 740 to uphold the order of the Rent Controller, Jalandhar.

The legal position had already been settled by the Division Bench in **Rajan @ Raj Kumar Vs. Rakesh Kumar** 2010 (2) PLR 201 wherein it was held that once the tenant does not tender the rent there is nothing else to be done and eviction has to follow. Resultantly, the view taken in **Rajinder Lal Vs. Gopal Krishan** 2006 (2) PLR 124 was overruled.

It has been further held in **Mrs. Birinder Khullar Vs. Maninder Singh** 2011 (3) PLR 38 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.

Keeping in view the law settled by the Apex Court in **Rakesh Wadhawan's case (supra)**, the impugned order dated 10.10.2016 passed by the Rent Controller, Jalandhar and order dated 21.1.2017 passed by the Appellate Authority, Jalandhar do not suffer from any infirmity and illegality which would warrant interference by this Court in exercise of revisional jurisdiction.

Accordingly, the present revision petition is dismissed.

February 20, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No