

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

CR 1767/2016(O&M)

Date of decision:14.11.2017

Harbhajan Singh Sahota

.....Petitioner

v.

Communist Party of India through Distt.Secretary Jagjit Singh Joga

.....Respondent

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Rohan Mittal,Advocate for the petitioner/tenant.

Jaswant Singh,J,(Oral).

Petitioner/tenant is in revision directed against the order dated 8.4.2013 passed by the learned Rent Controller, Bathinda whereby he has been ordered to be evicted from the demised shop on the ground of non-payment of provisionally assessed rent within the stipulated time in view of mandate of Hon'ble the Supreme Court of India in **Rakesh Wadhawan v Jagdamba Industrial Corporation 2002(1) RCC (Rent)514**. Further challenge is to the order dated 1.12.2014 passed by the Appellate Authority, Bathinda affirming the order passed by the Rent Controller.

Learned counsel for the petitioner has argued that the relationship of landlord and tenant had been inadvertently admitted in the written statement, however, subsequently an application for withdrawing that admission was made. He, however, does not dispute that the aforesaid application was dismissed vide order dated 23.9.2011 which was never challenged. Learned counsel further concedes that the possession of the

demised shop has since been delivered to the landlord through the process of the Court.

After hearing counsel for the petitioner and in view of the fact that the relationship of landlord and tenant stood admitted although the ownership of the demised premises was disputed, coupled with the fact that admittedly provisionally assessed rent was not paid within time, no ground for interference is made out in view of the settled law by Hon'ble the Apex Court in **Rakesh Wadhawan's** case (supra).

Dismissed.

14.11.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No