

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

**Civil Revision No.2680 of 2016 (O&M)  
Decided on : 21.02.2017**

Gurbachan Singh

... Petitioner

Versus

Subham

... Respondent

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

Present : Mr. Hitesh Raj Sharma, Advocate for  
Mr. Lekh Raj Sharma, Advocate for the petitioner.

Mr. Akshay Jindal, Advocate for the respondent.

**G.S. Sandhawalia, J. (Oral)**

The present revision petition is directed by the tenant against the ejectment order dated 18.11.2014 passed by the Rent Controller, Kurukshetra and upheld by the Appellate Authority, Kurukshetra on 10.03.2016.

The ejectment was ordered on the ground that assessment of the provisional rent had been made on 22.01.2013 (Annexure P-1) amounting to ₹12,859/-, which was to be paid on 31.01.2013. On account of non-compliance, since the tenant was insisting that the rent should @₹400/- per month instead of ₹980/- per month, the ejectment was ordered at a belated stage on 18.11.2014. The same was done on the application being moved by the landlord that the said order had not been challenged and the factum of non-payment of rent would necessarily lead to eviction, in view of the law laid down '*Rakesh Wadhwan and others Vs. Jagdamba Industrial Corporation and others*' 2002 (5) SCC 440.

The appeal has been dismissed by the Appellate Authority keeping in view the observations made in the abovesaid judgment ***Rakesh Wadhwan (supra)***.

The law on this account is already settled by the Division Bench of this Court in ***Rajan @ Raj Kumar Vs. Rakesh Kumar' 2010 (2) PLR 201***, whereby it has been held that once payment of the provisional rent assessed is not made, eviction has to follow.

In ***'Mrs. Birinder Khullar Vs. Maninder Singh' 2011 (3) PLR 38***, it has further been held that the Rent Controller would have no jurisdiction to grant extension for tendering the amount of provisional rent.

It has further been pointed out that the possession was already delivered on 30.05.2016 in the execution proceedings to the respondent-landlord, whereas notice of motion was only issued on 26.07.2016.

Accordingly, keeping in view the cumulative facts, no ground is made for interference in the orders passed by the authorities below. Accordingly, the present revision petition stands dismissed.

**FEBRUARY 21, 2017**  
Naveen

**(G.S. SANDHAWALIA)**  
**JUDGE**

*Whether speaking/reasoned:*

*Yes/No*

*Whether Reportable:*

*Yes/No*