

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

C.R. No. 2546 of 2017 (O & M)

Date of decision: 30.05.2017

Amarjit Singh

....Petitioner(s)

Versus

Improvement Trust, Moga

...Respondent(s)

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

Present: Mr. Vinay Kumar Gupta, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The present revision petition has been filed under Section 15(8) of the East Punjab Urban Rent Restriction Act, 1949 for setting aside the order dated 26.09.2016 whereby, the application under Order 9 Rule 13 CPC for setting aside the ex parte order dated 16.05.2015 passed by the Rent Controller, Moga has been dismissed.

The reasoning which prevailed with the Rent Controller to dismiss the application was that the ex parte eviction order was passed on 16.05.2015 and summons had been issued to the present petitioner. On the report that no such person was occupying the shop, publication was directed in '*Chardi Kalan*' for 18.07.2014. Resultantly, he had been proceeded against ex parte on 18.08.2014 and ultimately on 16.05.2015, due to non-payment of the arrears of rent amounting to ₹6,76,102/-, eviction order was passed. The application had been filed on 29.08.2015 without mentioning as to when the petitioner came to know about the passing of the ejectment order and even he had not stepped into the witness box and only his power of attorney had appeared, who was not aware of the facts and resultantly, the application was dismissed.

It is pertinent to notice that firstly, an appeal which was not maintainable was filed before the Appellate Authority, Moga which remained pending till 19.03.2017 and which has now been dismissed as withdrawn on the said ground. The eviction was sought by the landlord on the ground of non-payment of rent from 01.04.2009 in a petition dated 26.07.2012. An amount of as much as ₹7,76,102/- was assessed while passing the conditional eviction order provided the amount was paid within a period of two months.

In order to check the bonafides of the petitioner, on 07.04.2017 the proceedings had been deferred so that a draft of ₹8,00,000/- could be got so that an opportunity could be given to contest the eviction petition on merits.

Counsel submits that he has no such instructions.

Thus, it is apparent that the petitioner is only misusing the process of the Court for continuing in the shop in question without payment of arrears. Huge arrears, as noticed have mounted and the landlord is being deprived of the due amounts. No sufficient cause could be pointed out for non appearance despite being served. Proceedings have been prolonged to the maximum extent and no further indulgence is required to be given to such an unscrupulous tenant.

Accordingly, finding no merit in the present revision petition, the same is dismissed limine.

30.05.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No