

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 3320 of 2016 (O&M)

Date of decision: 09.03.2017

Manjit Kumar

... Petitioner

versus

Swaran Kumari

.... Respondent

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

Present: Mr. S.K. Choudhary, Advocate for the petitioner.

G.S. SANDHAWALIA, J. (ORAL)

CM No. 9814-CII-2016

For the reasons mentioned in the application, duly supported by an affidavit, delay of 81 days in re-filing the revision is condoned.

CM stands disposed of.

CR No. 3320 of 2016 (O&M)

The revision petition is directed against the order dated 11.02.2015 whereby eviction of the petitioner has been ordered by the Rent Controller, Pathankot on account of non-tendering of the provisional rent which was assessed on 06.01.2015.

The Rent Controller had relied upon the judgment of

Rakesh Wadhawan and others Vs. M/s Jagdamba Industrial

Corporation and others, 2003 (2) CCC 361 that the rent was assessed

at the rate of Rs. 500/- per month to paid w.e.f. 01.04.2011 till

31.12.2014 along with interest @ 6% per annum and cost was assessed

as Rs. 500/-. The appeal was filed before the Appellate Authority on 30.07.2015 and the same was dismissed on 16.02.2016 which is also the subject matter of challenge whereby the Appellate authority relied upon the revisional judgment in **Rajan @ Raj Kumar Vs. Rakesh Kumar (2010-2) 158 PLR 201.**

Resultantly, the tenant has agitated the issue herein also. The matter stands settled beyond a anvil of doubt regarding the proposition of law thereafter this court in **Mr. Birinder Khullar Vs. Maninder Singh, 2011 (3) PLR 38** wherein it has been consistently held that the Rent Controller would have no jurisdiction to grant further time for tendering provisional rent. This Court in another judgment **M/s Nihal Singh Motors & Others Vs. Sharma Malhotra Etc. 2004 (3) CCC 681 (P&H)** also held to the same extent.

Thus, no ground is made out to interfere with the orders passed by the Courts below. The revision petition is dismissed, in *limine*.

(G.S. SANDHAWALIA)
JUDGE

09.03.2017

kv

Whether speaking/non-speaking: Yes/No
Whether reportable : Yes/No