

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

CR No.4333 of 2016 (O&M)

Date of Decision: 11.10.2017

Gurdeep Singh and another

... Petitioners

Versus

Manjit Kaur

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Deepak Nayar, Advocate for the petitioners

RAJIV NARAIN RAINA, J. (Oral)

1. I have heard learned counsel for the petitioners at length and perused the paper-book.

2. The first eviction petition was brought for non-payment of rent. The petitioning tenants were evicted. They filed an appeal which is pending before the Appellate Authority. In that appeal, the land-lady filed an application for assessment of mesne profits for payment during the pendency of the appeal and in the meanwhile she brought another petition to the Rent Controller for eviction again on the ground of non-payment of rent, post the period in the first petition, which means, that the petitioner-tenants were in default of payment of rent throughout.

3. This revision has been filed on the ground that upon eviction, the petitioners-tenants have ceased to qualify as “tenants”, and therefore, are not liable to pay “rent” by definition, except on pain of due execution of the order of eviction. The second petition was also allowed and the tenant was evicted yet again. He filed another appeal before the appellate authority at Amritsar with an application under Order 41 Rule 5 read with Section 151 CPC for staying the operation/execution of the order dated 18th March, 2016 passed by the Rent Controller, Amritsar ordering the tenants to deposit the entire arrears

Md. Firoz Khan of rent, otherwise they would stand evicted. The aforesaid application has
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been dismissed by the appellate authority vide impugned order dated 4th May, 2016. Against that order, this revision petition has been filed.

4. If the petitioners/tenant are in admitted default of payment of arrears of rent, this revision is not maintainable. Learned counsel for the petitioners says that the arrears of rent amounts to over ₹ 3.00 lakhs and the petitioners are prepared to pay the sum in easy installments. This prayer the petitioners could always make before the appellate authority and they cannot be allowed to raise this in this revision petition. I find no illegality or perversity in the impugned order warranting quashing.

5. For the foregoing reasons, I find no merit in this revision petition which is accordingly dismissed.

11.10.2017
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No