

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

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**CR No.5619 of 2016(O&M)
Date of decision: 27.02.2017**

Gurnam Singh

....Petitioner

Versus

Kalyan Singh

...Respondent

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

Present: Mr.G.S.Dhillon, Advocate, for the petitioner.

Mr.C.L.Sharma, Advocate, for the respondent.

G.S. SANDHAWALIA, J. (Oral)

The present revision petition, preferred by the petitioner-tenant, is directed against the order of the Appellate Authority dated 12.08.2016 (Anneuxre P4) whereby stay was vacated on account of non-payment of arrears of rent.

While issuing notice of motion on 31.08.2016, this Court had issued directions that the operation of the said order dated 12.08.2016 shall remain stayed, subject to deposit of entire due amount of rent by the petitioner within 2 weeks and that the petitioner will also file an affidavit before the Appellate Authority within 3 weeks giving details of the payments of rent made by him from time to time.

Counsel for the respondent has submitted that the said directions have not been complied with, whereas counsel for the petitioner submits that an amount of Rs.24,000/- by way of demand draft was deposited, but the same was not done within the prescribed period and in such circumstances, the arrears only upto August, 2016 has been deposited. It is further submitted that subsequently also, payment has been made, which is controverted by counsel for the respondent-landlord.

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It is not disputed that the appeal is fixed for final hearing on 27.03.2017. Accordingly, keeping in view the above, this Court is not inclined to go into this issue and accordingly, the present revision petition is disposed of, with a direction to the Appellate Authority, to decide the appeal on the said date or on the next date. However, the appeal will be heard on merits only if the tenant clears all the arrears of rent. In case the same is not done, it will be open to the Appellate Authority to pass appropriate orders, keeping in view the dictum of law in **Rakesh Wadhawan Vs. M/s. Jagdamba Industrial Corporation, 2002 (1) RCR (Rent) 514** while deciding the main appeal.

February 27th, 2017
Sailesh

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

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*