

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

CR 6280/2017(O&M)

Date of decision:15.09.2017

Sagar

.....Petitioner

v.

Smt.Uma Kalhan

.....Respondent

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Ms.Deepa Jain,Advocate for the petitioner/tenant

Jaswant Singh,J,(Oral).

Respondent-landlady Smt.Uma Kalhan filed an eviction petition on 17.1.2014 seeking eviction of the tenant-Sagar (petitioner herein) out of the residential premises comprising four rooms including verandah of house bearing Municipal No.A-223, Sanjay Colony, SGM Nagar, Opp.Sainik Colony,NIT Faridabad on the ground of arrears of rent @ Rs.5000/- per month w.e.f. 17.11.2011 to 31.10.2014 and for bonafide personal necessity of the landlady. Vide order dated 28.1.2015 the learned Rent Controller assessed the provisional rent as under:-

“Arrears of Rent	=	Rs.39,600/-
(for 36 months till October 2014)		
for one year @ Rs.800/- p.m.,		
(for second year @ Rs.1000/- p.m.,		
(for third year @ Rs.1500/- p.m.		
Interest	=	Rs.5676/-
Cost	=	<u>Rs.1000/-</u>
Total	=	<u>Rs.46,276/-</u>

The aforesaid amount was required to be paid by 5.2.2015.

Tenant Sagar failed to tender the assessed rent within stipulated time

leading to passing of an eviction order dated 7.2.2015 in view of the law laid down by the Hon'ble Supreme Court in **Rakesh Wadhawan v. M/s Jagdamba Industrial Corporation**, 2002(2)PLR 370. The said ejectment order was taken in appeal which was dismissed in default on 30.3.2015. Even the application for restoration was dismissed in default on 9.7.2015.

Thereafter by concealing the aforesaid facts a fresh appeal was instituted on 12.12.2016 assailing the provisional assessment order dated 28.1.2015 and consequential eviction order dated 7.2.2015 which has been dismissed with special costs vide impugned judgment dated 2.8.2017 by Appellate Authority, Faridabad.

Counsel for the petitioner/tenant heard at length. The request for grant of opportunity to tender the outstanding arrears of rent is unable to be accepted in view of the law laid down in **Rakesh Wadhawan's** case (supra).

Dismissed.

15.09.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No