

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No. 7911 of 2016 (O & M)

Date of decision: 08.02.2017

Ram Kumar and another

....Petitioner(s)

Versus

Rukmani Devi and another

...Respondent(s)

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

Present: Mr. R.S. Mamli, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

The present revision petition is directed against the order of ejectment on the ground of non-payment of provisional rent which had been assessed on 22.08.2016. The respondent had been given opportunity to tender the assessed rent till 04.09.2016 but he did not appear in the Court. Thereafter, vide order dated 12.09.2016 (Annexure P-1), he was proceeded ex parte and the ejectment order was passed while keeping in mind the fact that the rent had not even been paid on 09.09.2016.

An appeal was filed before the Appellate Authority which has noticed in detail the judgments on the point that once the tenant does not tender the rent which has been provisionally assessed on the date fixed, ejectment order is but to follow. The said judgments read thus:-

“Rakesh Wadhawan vs. M/s. Jagdamba Industrial Corporation, 2002 (1) RCR (Rent) 514; Sanjeet Singh vs. Mohali Motor Finance Co. and another, 2011 (3) RCR (Civil) 89 (P & H); Raghubir Singh Oberoi vs. Kulwant Kaur and another, 2016 (3) LAR 230 (P & H); Gurinderjit Kaur and another vs. Baldev Singh Boparai; 2015 (1)

Haryana Law Reporter 375 (P & H); M/s. S. Nihal Singh Motors and others vs. Smt. Shama Malhotra and another, 2004 (3) PLR 389 (P & H); M/s. Imperial Gardens Pvt. Ltd. vs. J.P. Singla and others, 2012 (3) RCR (Civil) 891 (P & H), Union of India and others vs. Harjinder Kaur, 2011 (4) Law Herald 3045 (P & H) and Kailash Chandra Kaushik vs. Kamaljeet Rangi, 2012 (1) LAR 514 (P & H).

It has further been noticed by the Appellate Authority that the argument which was raised was that the children in the family were unwell and due to which the amount could not be deposited was not acceptable in view of the fact that no application was filed at any stage before the Rent Controller for bringing to his notice the factum that there was some circumstances which were beyond the control of the petitioners for which the rent could be deposited.

Counsel for the petitioners has also repeated the said argument. However, it is pertinent to notice that nothing has been placed on record even in regard to the illness of the children whether they were admitted in hospital or not. The Division Bench of this Court in ***Rajan @ Raj Kumar vs. Rakesh Kumar, 2010 (2) PLR 201*** has held that if payment is not made on the day fixed, ejectment has to follow and nothing else survives.

In such circumstances, there is no merit in the present revision petition. The orders passed by the Courts below are well justified and there is no procedural illegality or infirmity in the orders. Accordingly, the present revision petition is dismissed.

08.02.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No

