

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CR No.8653 of 2016 (O&M)
Date of decision: 23.02.2017

Kashmiri Lal Singla

....Petitioner

Versus

Kiran Goyal

...Respondent

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

Present: Mr.Rajan Bansal, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Present revision petition is directed against the order dated 05.09.2016 (Annexure P4) whereby the Rent Controller, Bhatinda had dismissed the application of the petitioner-tenant who sought the dismissal of the eviction application at the outset.

The ground for dismissal, at that state, which is now been also projected by the counsel, is that the rent had already been accepted upto 31.03.2016 and therefore, the filing of the eviction application prior to that, in February, 2016, will bar the landlady, as such.

It has been noticed by the Rent Controller that the eviction application was based on the ground of personal necessity which is totally separate from the one which is regarding the non-payment of rent. The argument, thus, raised, is without any basis. The cause of action which accrues to the landlady is on account of the requirement of the premises in question for the husband. In such circumstances, the payment of advance rent, as such, would not debar the landlady from filing the petition. Resultantly, there is no scope for interference in the order passed by the Rent Controller dated 05.09.2016 (Annexure P4).

Resultantly, finding no merit in the present revision petition, the same is dismissed in limine.

February 23rd, 2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No