

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

**Civil Revision No.99 of 2017 (O&M)
Decided on : 12.01.2017**

Jugal Kishore

... Petitioner

Versus

Kamlesh Singh Duggal

... Respondent

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

Present: Mr. Y.M. Bhagirath, Advocate
for the petitioner.

G.S. Sandhawalia, J. (Oral)

The petitioner-tenant challenges the concurrent findings recorded by the Court below, whereby eviction has been ordered from Shop No.44-I, Sarabha Nagar, Phase-II, Near Post Office, Ludhiana.

The eviction petition was filed on 29.03.2012 on various grounds and one of the ground is that the rent had not been paid since 01.06.2006 @ ₹1,000/- per month. The Rent Controller on 18.01.2016 assessed the provisional rent as ₹ 1,24,750/- including interest and costs. The date of payment of rent was fixed as 24.02.2016, but the payment was not made on the said date leading to eviction order, by the Rent Controller on the said date, keeping in view the judgment of Apex Court in '*Rakesh Wadhawan Vs. Jagdamba Industries, 2002 (1) RCR (Rent) 514.*

As noticed the said order has been upheld in appeal on 30.11.2016 by the Appellate Authority, keeping in view the binding precedent of the Apex Court.

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The Division Bench in '**Rajan @ Raj Kumar Vs. Rakesh Kumar**' 2010 (2) PLR 201 has clarified the issue that on the failure of the tenant to comply, nothing remains to be done and eviction has to follow. Resultantly, the view taken in '**Rajinder Lal Vs. Gopal Krishan**, 2006 (2) PLR 124 was overruled.

Counsel for the petitioner has vehemently submitted that extension be granted for payment and he is willing to vacate the premises by 31.12.2017. However, the said submission cannot be accepted in view of the law laid down by this Court in '**Mrs. Birinder Khullar Vs. Maninder Singh**' 2011 (3) PLR 38. This Court has held that the Rent Controller would have no jurisdiction to grant further time for tendering provisional rent, keeping in view the observations made by the Division Bench.

In such circumstances, the orders passed does not suffer from any infirmity which would warrant interference. Accordingly, the present revision petition is dismissed.

JANUARY 12, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No