

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

**LPA No. 281 of 2016 (O&M)**  
**Date of decision: 15.2.2017**

**Main Pal through his LRs & others**

**.....Appellants**

**Vs.**

**The Commissioner, Rohtak, Division, Rohtak & others**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL  
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. Vikram Singh, Advocate for the appellant.  
Mr. R.K.S. Brar, Additional AG, Haryana.  
Mrs. Vanita Sapra Kataria, Advocate for respondents No. 5 to 14.

**Ajay Kumar Mittal,J.**

CM No. 627 LPA of 2016  
in LPA No. 297 of 2016.

1. This is an application under Rule 2, Chapter 1C, Volume 5, High Court Rules and Orders read with Order 22 Rule 3, CPC for impleading the legal heirs of Main Pal-appellant No-I.
2. After hearing learned counsel for the parties, the application is allowed and the applicants mentioned in Para 2 of the application are impleaded as legal heirs of appellant No-I Main Pal.

LPA No. 281 of 2016

3. This order shall dispose of LPA Nos. 281 and 297 of 2016 as according to the learned counsel for the parties, the issue involved in both the appeals is identical. However, the facts are being extracted from LPA No. 281 of 2016.

4. LPA No. 281 of 2016 has been preferred by the appellants under Clause X of Letters Patent for setting aside the order dated 06.01.2016 passed by learned Single Judge in Civil Writ Petition No. 15721 of 1991.

5. A few facts relevant for the decision of the controversy involved as narrated in LPA No. 281 of 2016 may be noticed. Respondents Ganga Lal etc filed application on Form-L pertaining to the land in question stating that the appellants had failed to pay the rent for the crops from Kharif 1981 to Rabi 1985. The appellants were summoned by the Assistant Collector IInd Grade, Sonapat. They stated that they had already deposited the rent. They never refused to pay the rent and rather the respondents did not accept the rent in question. The respondents were living far away from the appellants at Hyderabad, Delhi and other cities. The appellants had filed the application for deposit of rent on 24.07.1984 in the Court of Assistant Collector IInd Grade, Sonapat before the submission of application in Form-L by the respondents, whereas the respondents had submitted Form-L on 12.12.1984. Thus, the appellants were willing to pay the rent. Vide order dated 14.11.1986, the Assistant Collector dismissed the application of the respondents, holding that the appellants had deposited the rent for the crops in question and no rent was payable by them. Aggrieved by the order, the respondents filed appeal under Section 9 (1) of the Punjab Security of Land Tenures Act, 1953 (in short, "the Act") read with Section 14-A of the Act,

stating that the appellants were owners and the respondents were tenants at the rate of ₹ 10/- per acre with regard to the land in question. Vide order dated 23.02.1988, the Collector, Sonapat accepted the appeal of the respondents holding that there was relationship of landlord and tenant between the parties. It was further recorded that the respondents had not paid the rent intentionally within the prescribed time to the appellants. Aggrieved by the order, the appellants filed revision petition before the Commissioner, Rohtak Division, Rohtak. Vide order dated 03.07.1991, the Commissioner Rohtak, Division Rohtak dismissed the revision petition. Thereafter, the appellants filed Civil Writ Petition No. 15721 of 1991 in this Court for quashing the impugned orders dated 03.07.1991 and 23.02.1988 passed by the respondent Nos. 1 and 2 respectively. Vide order dated 06.01.2016, learned Single Judge dismissed the writ petition filed by the appellants on the ground that they had admitted the default and showed no sufficient cause. Hence, instant Letters Patent Appeal by the appellants.

6. We have heard the learned counsel for the parties.

7. The matter has been examined by the learned Single Judge after considering the relevant statutory provisions and the case law on the point. It has been noticed by the learned Single Judge that the appellants did not controvert that the rent was not deposited for the disputed period but rather took up the plea that since the respondents were not living in the village and residing elsewhere, they had no knowledge of their address. Though the Assistant Collector Ist Grade had accepted the said plea but the same had been repelled by the Collector, Commissioner and the learned Single Judge. After examining the provisions of Sections 9 and 14-A of the Act, learned Single Judge recorded that the appellants had been unable to show any restraint placed by the language of the statute in terms of Section

9 of the Act, requiring the respondent landlord to initiate proceedings against them under the Act. Neither any dispute regarding relationship of landlord and tenant had been raised before this Court nor any other justification was provided to indicate that the proceedings against the appellants under the provisions of the Act were not maintainable. The relevant findings recorded by the learned Single Judge read thus:-

“While Section 9 enumerates the conditions in which a tenant can be validly ejected by a land owner, Section 14-A prescribes the procedure. The petitioners have been unable to show any restraint or fetter placed by the language of the statute in terms of Section 9 requiring respondent landowner to initiate the proceedings against them under the Act. Neither any dispute regarding relationship of landlord and tenant has been raised before this Court nor any other justification provided which would indicate that proceedings against the petitioners under the provisions of Punjab Security of Land Tenures Act, 1953 were not maintainable.

If that be so then the only question that has to be determined is regarding the default and its effect. The default once again is not disputed but only a plea regarding unawareness of the address of respondent-landlord has been pleaded which on facts has been discarded by the Courts below in the impugned order by noticing that there has been a festering dispute between the petitioners and forefathers of the respondents and thus the plea that they were unaware about the whereabouts of the respondents was not worthy of credence. I would tend to agree with the reasoning of the impugned order.”

8. In all fairness to the learned counsel for the appellants, reference was made to proviso to Section 14-A(i) of the Act which was inserted by Haryana Act 5 of 1991 which is to the following effect:-

“Provided that if the tenant makes payment of arrears of rent and interest to be calculated by the Assistant Collector, First Grade, at eight per centum per annum on such arrears together with such costs of the application, if any, as may be allowed by Assistant Collector, First Grade, either on the day of first hearing or within fifteen days from the date of such hearing, he shall not be ejected.”

Suffice it to notice that ejectment petition in the present case was filed on 12.12.1984 whereas the aforesaid amendment was incorporated in the year 1991 and thus, the same shall not be applicable to the proceedings in hand. Consequently, no advantage can be derived by the appellants therefrom.

9. Adverting to the judgment relied upon by the learned counsel for the appellants, it may be noticed that in ***Amar Singh and others Vs. F.C. Haryana and others*** 2006(3) R.C.R. (Civil) 245, this court was considering the provisions of Sections 9(1) (ii) and 14-A of the Act. The proposition of law enunciated therein is unexceptionable. It was held that if in spite of the opportunity granted, the calculated amount of rent is not paid by the tenant, then the ejectment order is to be operative with immediate effect. The said order was passed on individual fact situation involved therein. Thus, the appellant cannot derive any advantage from the said decision.

10. Next, examining the judgments relied upon by the learned counsel for the respondents, it may be noticed that in ***Raj Kanta Vs. Financial Commissioner, Punjab*** 1980 PLJ 346, the Apex Court held that for single default in payment of rent, the tenant must be held to have failed to pay rent regularly without sufficient cause as envisaged by Section 9(1) (ii) of the Act. The ejectment order therein was held to be valid. In ***Parkash Vs. Financial Commissioner, Revenue Haryana, Chandigarh*** 1996(1)

PLR 313, it was held by this Court that sufficient cause for non-payment of rent is antithesis of payment of rent. It was further recorded that if the Court comes to the conclusion that rent has not been paid, then there was sufficient cause for non-payment thereof inspite of there being no cause pleaded much less proved. Thus, the ejectment order was upheld. In *Amar Nath Vs. Financial Commissioner, Haryana* 1995(1) PLR 359, it was held by this Court that the tenant cannot avoid his penalty of ejectment by moving application under Section 14-A (iii) of the Act, unless sufficient cause is shown. In *Labh Singh and others Vs. State of Haryana* 1983 PLJ 411, it was recorded by this Court that single default renders tenant liable to ejectment unless sufficient cause is shown.

11. In the present case, no sufficient cause was shown for non-payment of rent. Learned counsel for the appellants has not been able to produce any material on record to show that the findings recorded by the learned Single Judge are illegal or perverse. Consequently, we do not find any ground to interfere with the view adopted by the learned Single Judge. As a result, finding no merit in the appeals, the same are hereby dismissed.

(Ajay Kumar Mittal)  
Judge

February 15, 2017  
'gs'

(Ramendra Jain)  
Judge

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes