

Sr. No.122

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

LPA-1949-2017(O&M)

Date of Decision: October 12, 2017

Prithi and others

....Appellants

VS.

State of Haryana and others

....Respondents

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI**

Present:- Mr.Vivek Khatri, Advocate for the appellants.

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MAHESH GROVER, J (ORAL)

This appeal is directed against the judgment of the learned
Single Judge dated 29.09.2017.

The application filed by the respondent-landlords for eviction
of the present appellants by filing an application in form L in terms of the
provisions of the Punjab Security of Land Tenures Act, 1953 (hereinafter
called as 'the Act' for short) and the Punjab Security of Land Tenures Rules,
1956 was accepted. The land had been kept vacant from Rabi 2012 to Kharif
2014 and thereafter, from Rabi 2015 till Rabi 2016 no amount of rent was
paid. Before all the Authorities, the appellants admitted that the land was
not cultivated for the said period i.e 2012 to 2014 but pleaded that it is on
account of bad weather conditions i.e failed rain fall. All the authorities
rejected this plea and the Financial Commissioner even noticed that for Rabi
2015 till Rabi 2016 even though the land was cultivated, no batai was paid.

Learned counsel for the appellants contends that he did not get
opportunity to lead evidence in terms of Section 10(2) of the Act.

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After hearing learned counsel for the appellants, we are of the opinion that no case for intervention has been made out noticing the candid admission of the appellants that the land was indeed kept vacant for the entire period. The justification of bad weather cannot be accepted as no record to that effect has been produced even in writ proceedings or in the present Letters Patent Appeal. To be fair to the appellants's counsel, we gave him an option that if he wanted to lead any evidence to justify his plea of non payment of batai, we were willing to give him an opportunity provided he pay the market rent for the entire period to which he flatly refused which gives an insight to the appellants' tenacity as a tenant to cling to the land without conceding benefits to the landlord.

We, thus, do not find any reason to interfere.

Dismissed.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

October 12, 2017
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Whether /reasoned	Yes/No
Whether reportable	Yes/No