

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2860 of 2018

- Smt. Protima Dey W/o Shri Monojeet Dey Aged About 39 Years Prop. M/s Lavela Beauty Clinic And Spa, R/o Rajendra Nagar Chowk, Raipur Road, Near Old Haribhoomi Press Bilaspur, Tahsil - Bilaspur (Wrongly typed as Tahsil - Bilha in the impugned Order), District - Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- M.P. Rai S/o Late D.P. Rai Aged About 70 Years R/o Rajendra Nagar Chowk, Raipur Road, Near Old Haribhoomi Press Bilaspur, Tahsil - Bilaspur (Wrongly typed as Tahsil - Bilha in the Impugned Order), District - Bilaspur, Chhattisgarh.

---- Respondent

For Petitioner : Shri Rishi Sahu, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

Per, Ajay Kumar Tripathi, Chief Justice

11.10.2018

1. Heard counsel for the Petitioner and perused the impugned order dated 08.02.2018 passed by the Chhattisgarh Rent Controller, Raipur as well as the order passed by the Rent Controller, Bilaspur.
2. The findings which emerges are that the relationship of landlord-tenant is established, payment in default of rent is established, therefore, the direction issued by the authorities to handover vacant possession and pay the dues cannot be said to be an erroneous decision.
3. Counsel for the Petitioner submits that by certain inadvertence the related bank statement of the account showing payment could not be produced

before the authorities and that since the landlord was refusing to issue receipt of such payments, payments came to be made through cheques.

4. We are not inclined to take additional evidence at this stage and those additional evidence cannot be used to nullify the finding which has emerged during the course of adjudication.
5. It is left open to the Petitioner to satisfy the landlord with regard to the payments by cogent and valid proof of such payments and we are sure that the landlord will not dispute the said fact, if payment has accrued to the account through bank by mode of cheques.
6. Otherwise, the writ application has no merit. It is dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge