

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CR No. 1838 of 2018

Date of decision : March 19, 2018

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Smt. Ramandeep Kaur

.....Petitioner

Versus

Suresh Chandra

.....Respondent

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Pankaj Maini, Advocate for the petitioner

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RITU BAHRI, J.

The petitioner has filed the present revision petition against the judgment dated 30.01.2017 passed by the Rent Controller, SAS Nagar (Mohali) and against the judgment dated 14.12.2017 passed by the Appellate Authority, SAS Nagar, Mohali, vide which the appeal against the judgment of the Rent Controller was dismissed. Vide the judgment passed by the Rent Controller, the petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the Act') was allowed and eviction order was passed against the petitioner—tenant (respondent in the eviction petition).

Suresh Chandra respondent is the owner of the demised premises. Ramandeep Kaur-petitioner took the demised premises on rent

from the respondent on 1.3.2015 through rent deed dated 26.2.2015 at a monthly rent of Rs.15,000/- per month which was to be paid on or before 7th day of every month in advance excluding water and electricity charges which were to be paid by the petitioner separately. The rent agreement was for 11 months. The tenancy commenced w.e.f 1.3.2015 and valid up to 31.1.2016. It was stated that the tenant was in arrears of rent w.e.f 1.3.2015 till 31.1.2016, Hence the petition under Section 13 of the Act was filed for eviction of the respondent from the premises in question.

Upon notice of the petition, petitioner-tenant filed written statement that she was ready to make payment of the provisional rent and cannot be evicted from the demised premises. In the present case, vide order dated 22.12.2016 provisional rent was assessed by the Court and the said payment was to be made on 30.1.2017. Petitioner-tenant was directed to pay Rs.1,95,440/- on 30.1.2017. Till 4:30 p.m on 30.1.2017, no rent was paid and accordingly an eviction order was passed against the petitioner-tenant and she was directed to give the vacant possession of premises in dispute to the respondent within three months from the passing of the eviction order.

On appeal, the order passed by the Rent Controller was affirmed by the Appellate Authority, SAS Nagar, Mohali in view of the law laid down by Hon'ble the Supreme Court in the case of **Rakesh Wadhawan and others vs. M/s Jagdamba Industrial Corporation and others 2002 (1) RCR (Rent) 514 (SC)**, wherein it has been held that on the first date of hearing after the assessment of the provisional rent, if the respondent does not make the payment of provisional rent, he is liable to be evicted forthwith.

Heard counsel for the parties. Counsel for the petitioner has not been able to show that he has deposited the arrears of rent as per the order dated 22.12.2016.

In view of the facts and circumstances of the case and in view of the ratio of the judgment laid down in the case of **Rakesh Wadhawan and others (supra)**, present revision petition is dismissed.

March 19, 2018
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(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No