

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.2054 of 2014 (O&M)
Date of Order: 10.09.2018

Raghbir Singh and others

..Petitioners

Versus

Darshana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Sandeepa Mehta, Advocate,
for the petitioners.

ANIL KSHETARPAL, J(Oral)

C.M.No.5331-CII-2014

Allowed as prayed for.

C.M.No.5332-CII-2014

Prayer in this application is for condonation of delay of 09 days
in re-filing the revision petition.

For reasons mentioned in the application, which is supported by
an affidavit, the delay of 09 days in re-filing the revision petition is
condoned.

Application is allowed.

MAIN

Landlords-petitioners are in the revision petition against the
order passed by the learned Rent Controller affirmed in appeal by the
learned Appellate Authority, dismissing the eviction petition.

The only ground which survives for consideration is “whether
the tenant has not paid the arrears of rent from March, 2004?”

It is not disputed that the learned Rent Controller in accordance with the judgment passed by the Hon'ble Supreme Court in the case of **Rakesh Wadhawan v. Jagdamba Industrial Corporation, 2002(1) R.C.R. (Rent) 514** had assessed the rate of rent and the arrears from July, 2007. It is not in dispute that there is no written rent note and the rent was paid without issuing any receipt.

Both the courts on appreciation of the evidence have found that the rent has been paid upto June, 2007 @ Rs.500/- per month.

Learned counsel for the petitioners submitted that the landlords got a notice issued on 17.01.2017, calling upon the defendant-tenant to pay rent, since March, 2004.

This aspect has been considered by both the courts below. However, courts have held that the landlords-petitioners have failed to prove that the tenant was in arrears of rent for more than 3 years. The courts have drawn conclusion on the basis of evidence, which is neither shown to be perverse nor result of any misreading of unimpeachable evidence.

Hence, there is no good ground to interfere.

The revision petition is dismissed.

September 10, 2018
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No