

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

Civil Revision No.2383 of 2018 (O&M)

Date of Decision: April 20, 2018

Keshav Bhadana

...Petitioner

Versus

Hemant Kohli and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Ankur Lal, Advocate for the petitioner.

Mr.Kunal Dawar, Advocate for the respondents.

HARINDER SINGH SIDHU, J.

This revision has been filed impugning the order dated 4.12.2017 of the learned Rent Controller, ordering the ejectment of the petitioner-tenant from the demised premises for failure to tender the provisional rent and the order dated 16.3.2018 of the Appellate Authority Faridabad whereby his appeal there against has been dismissed.

In an eviction petition filed by the respondent-landlord, the learned Rent Controller Faridabad vide order dated 20.11.2017 assessed the provisional rent payable by the petitioner-tenant at Rs.2,12,000/-. The case was adjourned to 4.12.2017 for payment of rent. On 4.12.2017, the tenant stated that he had brought an amount of Rs.50,000/- for payment of rent. He requested that he be granted some more time to tender the full rent. As the petitioner did not tender the rent as assessed by the court on that day, the Rent Controller ordered his eviction on the ground of non-payment of rent.

He was directed to hand over vacant possession to the landlord within two

months.

The appeal filed by the petitioner was dismissed by the Appellate Authority vide impugned order dated 16.3.2018. The learned Appellate Authority relied on decision of Hon'ble Supreme Court in Rakesh Wadhavan and others Vs. Jagdamba Industrial Corporation, 2002 (2) PLR 370 and various other decisions of this Court wherein it is held that if the tenant fails to tender the provisional rent on the first date of hearing after its assessment, the Rent Controller has no option but to direct the eviction of the tenant and that the Rent Controller has no jurisdiction to extend the time to make the deposit.

Learned counsel for the petitioner contended that the petitioner had always been ready and willing to make the payment of the provisional rent. It was only due to some communication gap between the petitioner and his counsel that the petitioner did not get the full amount for tendering in court on the date fixed.

This argument can be of no help to the petitioner. It is settled that if the tenant fails to deposit the provisional rent on the first date after its assessment the Rent Controller has no option but to order eviction.

The impugned order is inconsonance with the settled law. Accordingly, there is no merit in this revision petition. Dismissed.

April 20, 2018

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No