

115

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

**C.R. No.2924 of 2016
Date of Decision: 04.09.2018**

Amar Sharma

.....Petitioner

Versus

Sohan Lal Sharma

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr.Ashish Aggarwal, Sr.Advocate with
Mr.Kulwant Singh, Advocate
for the respondent.

ANIL KSHETARPAL J.(ORAL)

The tenant-petitioner is in the revision petition against the order passed by Rent Controller, affirmed by the Appellate Authority, dismissing the application for setting aside exparte decree of eviction. The petitioner filed an application under Order 9 Rule 13 CPC with a plea that summons were not served on him and no personal service was effected. However when he appeared in the evidence, petitioner admitted his signatures on the summons sent to him for service in the rent petition.

Both the Courts have noticed these facts and dismissed the application.

Learned counsel for the petitioner could not point out that the findings arrived at by the authorities in any way are suffering from any error.

However, learned counsel for the petitioner has pointed out that in the execution petition, petitioner had tendered the rent which had been accepted. He has submitted that once rent had been accepted, the decree for eviction has come to an end.

This Court has considered the submission, however, finds no substance therein.

Once the tenant is in possession, he is bound to pay user charges i.e. mesne profit for use and occupation of the property. Merely because in execution petition some payment has been accepted that would not nullify a valid order of eviction which has become final. Hence, there is no ground to interfere.

Civil Revision petition is hereby dismissed.

All the pending miscellaneous application(s), if any, is/are disposed of in terms thereof.

(ANIL KSHETARPAL)
JUDGE

September 04, 2018

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No