

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

Civil Revision No. 2719 of 2018 (O&M)

Date of decision: 27.04.2018

Raj Kumar

.. Petitioner

vs.

Darshan Rani

.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Avtar S. Khinda, Advocate
for the petitioner.

Harinder Singh Sidhu, J.

On an eviction petition filed by the landlady under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 for ejectment of the respondent-tenant, learned Rent Controller assessed the provisional rent at Rs.22050/- vide order dated 18.10.2017. As 18.10.2017 was declared as a holiday, the matter was taken up on 17.10.2017 and adjourned to 28.10.2017 for the purpose of tendering the provisional rent. On 28.10.2017, learned counsel for the petitioner-tenant appeared before learned Rent Controller and requested that he may be granted sometime for the purpose of tendering the rent as 28.10.2017 had been declared bank holiday. On account of the failure of the petitioner to deposit the provisional rent on the date fixed i.e. 28.10.2017, learned Rent Controller ordered eviction of the petitioner-tenant.

The appeal filed by the petitioner-tenant was dismissed by learned Appellate Court vide order dated 15.12.2017 by relying on the decision of the Hon'ble Supreme Court in **Rakesh Wadhawan and ors. vs. M/s Jagdamba Industrial Corporation & Ors, 2002 (1) RCR (Rent) 514,** and various other cases in which it clearly laid down that if the provisional rent is not tendered on the date fixed, the Rent Controller has no option but to order the eviction of the tenant.

There appears to be no infirmity in the impugned order which is based on the settled law.

Accordingly, there is no merit in the revision petition and the same is dismissed.

27.04.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No