

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-2834-2018 (O&M)
Date of Decision: 18.07.2018

Mukand Singh through L.Rs

--Petitioner(s)

Versus

Ram Narain

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Ranjit Saini, Advocate for the petitioner(s).

TEJINDER SINGH DHINDSA.J (Oral)

The instant revision petition is directed against the order dated 27.2.2018 passed by the Appellate Authority, Barnala and in terms of which the appeal preferred by the tenant/petitioner(s) herein against the order of eviction passed by the Rent Controller, Barnala has been dismissed.

Counsel for the petitioner(s) has been heard at length and pleadings on record have been perused.

A factual premise that emerges from the pleadings on record and which is not disputed by counsel is that the Rent Controller had assessed the provisional rent qua the demise premises vide order dated 23.1.2013 and the tenant/petitioner(s) herein was directed to make good the entire arrears as per provisional rent assessed i.e. Rs.24,868/- up to 15.2.2013.

The only contention raised by counsel is that the Rent Controller had extended the time for deposit of the rent till 5.3.2013 and since an appeal had been preferred against the order of Rent Controller the file had been summoned by the Appellate Authority and as such, rent could not be tendered on 5.3.2013 but was deposited only on 6.5.2013.

I find the submission raised by counsel to be misconceived. In law the tenant was obligated to deposit the provisional rent assessed along with arrears up to 15.2.2013. The extension of time granted by Rent Controller till 5.3.2013 had no sanctity in law.

Even assuming that such extension was valid, even then the provisional rent had not been deposited on or before 5.3.2013.

The tenant having not deposited the provisional rent duly assessed by the Rent Controller and such order of assessment of provisional rent also having not been assailed by the tenant, no infirmity is found in the impugned order as regards eviction.

No interference is warranted.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

18.07.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No