

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

CR No.3665 of 2018 (O&M)

Date of decision: 30.05.2018

Jasdeep Singh

...Petitioner

Versus

Bansdeep Singh

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Amardeep Singh Gill, Advocate,
for the petitioner.

Ritu Bahri, J.

Jasdeep Singh-petitioner (tenant) has filed the present petition against the findings recorded by the Rent Controller, Jalandhar and the Appellate Authority, Jalandhar, vide order/judgment dated 04.09.2017 and 14.03.2018 respectively, whereby he has been ordered to be evicted from the demised premises i.e. house bearing No.2549, Jawahar Nagar, Adampur, Tehsil and District Jalandhar, on the ground of “non payment of provisional rent.”

A perusal of the impugned order/judgment(s) shows that the landlord (respondent herein) wanted to get the demised premises vacated on two grounds i.e. (i) non payment of arrears of rent and (ii) *bonafide* personal necessity, as landlord required the same for residential purpose. Vide order dated 04.08.2017, passed by the Rent Controller, provisional rent was assessed at the rate of Rs.1100/- per month along with interest w.e.f. 01.09.2010 to 31.07.2017 i.e. for 83 months, which was to be paid on 04.09.2017. On 04.09.2017, a prayer for extension of time was made.

However, keeping in view the judgment passed by Hon'ble the Supreme

Court in Rakesh Wadhawan vs. Jagdamba Industries, 2002 (1) RCR (Rent) 514 (SC), eviction petition was allowed by the Rent Controller and tenant-petitioner was directed to handover the vacant possession of the demised premises to the landlord-respondent. This said order has been affirmed by the Appellate Authority, Jalandhar, as well.

Learned counsel for the petitioner (tenant) states that before the Appellate Authority, Jalandhar, an application under Order 41 Rule 27 CPC for placing of record rent receipt, issued by the landlord, was filed.

As per rent receipt, the rent had been paid till 31.03.2016. Even if, this rent receipt is taken into account, the entire arrears of rent till 31.07.2017 i.e. for 83 months, was required to be paid. Since, the petitioner has failed to pay the provisional rent in time and a prayer for extension of time was made, eviction of petitioner (tenant) has been rightly ordered by the Courts below as the provisional rent was to be paid upto 31.07.2017.

No ground is made out to interfere in the impugned orders.

Dismissed.

30.05.2018
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No