

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-4889-2018 (O&M)
Date of Decision: 02.08.2018

Davinder Singh

--Petitioner

Versus

Narinder Kumar & others

--Respondents

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

Present:- Mr. D.K. Bhatti, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

This is tenant's revision petition against the judgement dated 29.8.2017 passed by the Rent Controller, Jalandhar directing his eviction from the premises in question as also against order dated 25.5.2018 passed by the Appellate Authority, Jalandhar affirming the order of the Rent Controller.

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

The undisputed factual premise that emerges is that the landlord/respondents had initiated eviction proceedings of the tenant (petitioner herein) from the demised premises and on 15.7.2017 provisional rent had been assessed. The next date for proceedings and for deposit of provisional rent was 29.8.2017. The conceded position of fact is that the order dated 15.7.2017 assessing provisional rent was never put to challenge. On 29.8.2017 tenant failed to deposit the provisional rent so assessed. It is under such circumstances that eviction order dated 29.8.2017 was passed by the Rent Controller and which stands affirmed even by the Appellate Authority, Jalandhar.

The impugned orders in the considered view of this Court are as per dictum laid down by the Apex Court in ***Rakesh Wadhawan and Ors Vs. M/s Jagdamba Industrial Corporation and Ors, 2002(2) PLR 370 (SC).***

There is no infirmity or patent illegality in the order of eviction passed by the Rent Controller on account of non-deposit of provisional rent duly assessed.

No interference in the matter is called for.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

02.08.2018

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