

Civil Revision No. 5590 of 2018 (O&M)

Date of decision : November 21, 2018

Ved Pakash

.....Petitioner

Versus

Nirmal and Associates

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. P.S. Jammu, Advocate for the petitioner.

LISA GILL, J.

The petitioner – tenant is aggrieved of order dated 06.10.2017 passed by the learned Rent Controller, Jalandhar whereby his eviction from the demised premises has been ordered as well as order dated 12.04.2018 passed by the learned Appellate Authority, Jalandhar upholding the same.

Respondent – Nirmal Associates filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act seeking eviction of the tenant i.e. the petitioner from the demised premises on the ground of arrears of rent and subletting. It was claimed that the respondent was a tenant paying rent at the rate of ₹2,000/- per month. The petitioner was claimed to be in arrears of rent from April, 2010 till the date of filing of the petition i.e. 29.09.2016 at the rate of ₹2,000/- per month. Moreover, the present petitioner was also claimed to have sublet the demised premises to some third person without consent and permission of the landlord.

The present petitioner, at the first instance, appeared before the learned Rent Controller and suffered a statement on 10.01.2017 that he did not wish to contest the petition and he would vacate the shop in question within 15-20 days. However, subsequently he appeared through counsel and filed a written statement, actively resisting the petition seeking his

eviction while admitting the relationship of landlord and tenant as well as rate of rent. Dismissal of the petition was sought.

Learned Rent Controller on 14.09.2017 assessed provisional rent @ ₹2,000 per month from April 2010 till 31.08.2017. which the present petitioner was directed to pay on 06.10.2017. The same was not tendered. Accordingly, ejectment order against the petitioner was passed. Appeal preferred by the petitioner was also dismissed by the learned Appellate Authority, Jalandhar vide judgment dated 12.04.2018.

Learned counsel for the petitioner argues that it is the specific case of the petitioner that he had deposited some amount as part of the rent of the shop in question as detailed in para 3(ii) of his Grounds of Revision. Moreover, the rent was being paid regularly till the year 2010. Shop in question was in a bad condition, thus, under compelling circumstances, the shop had to be closed by the petitioner in the year 2013. Therefore, at best the petitioner is liable to pay the arrears of rent from 2010 to 2013 and not thereafter. It is, thus, prayed that this petition be allowed and the impugned orders be set aside.

Heard, learned counsel for the petitioner.

There is no merit in the arguments raised by learned counsel for the petitioner. Relationship of landlord and tenant is admitted as well as rate of rent i.e. ₹2000/- per month. It is the case of the tenant himself that he has paid rent till April, 2010 only. A novel plea has been raised that he is not liable to pay rent after 2013 as the shop in question was shut down by him due to its bad condition. Such an argument is misconceived and devoid of any merit, hence rejected. Both the learned courts below have rightly observed that it is not a case where the petitioner had handed over the

possession of the premises to the landlord. Thus, eviction of the petitioner from the demised premises has been rightly ordered.

Learned counsel for the petitioner is unable to point out any illegality, infirmity or perversity in the impugned orders dated 06.10.2017 and 12.04.2018 which call for interference in exercise of revisional jurisdiction by this Court.

Present petition is, accordingly, dismissed.

November 21, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No