

In the High Court of Punjab and Haryana at Chandigarh

**CR No. 5898 of 2018
Date of Decision: 6.9.2018**

M/s Bhola Ram Ram Tirath and another

---Petitioners

versus

Anuradha Garg

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Siddharth Gupta, Advocate
for the petitioners**

Rekha Mittal, J.

Challenge in the present petition has been directed against order dated 9.8.2018 (Annexure P-1) passed by the Rent Controller, Phul District Bathinda whereby application dated 25.7.2018 (Annexure P-4) filed by the petitioners-tenants for dismissal of rent petition titled “Anuradha Garg vs. M/s Bhola Ram Ram Tirath” has been dismissed.

Counsel for the petitioners, in line with the contentions raised in the application (Annexure P-4) would contend that as the petitioners have paid rent in advance @ Rs. 5,000/- per month upto 31.3.2018 and are also ready to pay the rent for the period 1.4.2018 to 30.6.2018, the respondent-landlord is not entitled to get the shop vacated by keeping the court in dark and making a wrong and false story.

The factual dispute sought to be raised by the petitioners by filing an application for dismissal of the eviction application cannot be

decided on the basis of averments raised in the application and reply thereto.

Counsel for the petitioners has failed to refer to any provision in the East Punjab Urban Rent Restriction Act, 1949 (in short “the Act”) under which such an application can be maintained. In this view of the matter, I do not find an error much less illegality in the impugned order warranting interference in exercise of jurisdiction under Article 227 of the Constitution of India.

For the foregoing reasons, the petition fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

6.9.2018

PARAMJIT

Whether speaking/reasoned : Yess

Whether reportable : Yes/No