

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CM No.22343-CII of 2017 in/and  
CR No.7224 of 2017 (O&M)  
Date of Decision : 11.01.2018

Munish Bhatia

..... Petitioner

Versus

Smt. Phulan Arora

..... Respondent

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

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Present : Mr. Rakesh Kumar Sharma, Advocate  
for the petitioner.

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**AJAY TEWARI, J. (Oral)**

**CM No.22343-CII of 2017**

For the reasons recorded, the application is allowed. Delay of  
12 days in re-filing the appeal is condoned.

**CR No.7224 of 2017**

This petition has been filed against the concurrent orders of the  
authorities below ordering the eviction of the petitioner on the ground of  
non-payment of rent.

The respondent had filed a petition for the eviction of the  
petitioner on various grounds including that of non-payment of rent. By an  
order dated 22.12.2014 the Rent Controller provisionally assessed the  
arrears and adjourned the case to 05.01.2015 for payment but on that date  
the petitioner did not make the payment and the trial Court in view of the

judgment of ***Rakesh Wadhavan Vs. Jagdamba Industrial Corporation, 2002 (2) PLR 370*** ordered his eviction. Appeal having been dismissed he is before this Court.

Only argument raised by the learned counsel for the petitioner is that before the order of eviction was passed the petitioner had moved an application under Section 6 A of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (for short the Act) and had even deposited the rent in that Court and thus the order of eviction is wrong.

In my opinion, this argument must fail. The respondent had sought rent from 10.01.2013 to 09.05.2014. In the application under Section 6 A of the Act the petitioner had deposited rent from June, 2014 to August, 2014.

Consequently any payment made for that subsequent period could not relate back to the period in dispute.

Petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

( **AJAY TEWARI** )  
**JUDGE**

**11.01.2018**  
*pooja sharma-I*

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No