

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

Civil Revision No.474 of 2019(O&M)
Date of Decision: March 26, 2019

Neena Kausahl @ Neena Kaushal

...Petitioner

Versus

Rajinder Kumar

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sunny K. Singla, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

1. The present civil revision has been directed against the order dated 29.08.2018 passed by the Rent Controller, Malerkotla.
2. In brief, the facts of the case are, that the petitioner-landlady filed an eviction petition against the respondent-tenant under Section 13 of the East Punjab Urban Rent Restriction Act on the grounds of arrears of rent and personal necessity. The Rent Controller, vide order dated 21.03.2017 assessed the provisional rent and directed the respondent to pay the same on or before 20.05.2017. However, the respondent-tenant did not pay the provisionally assessed rent on or before 20.05.2017, therefore, the petitioner-landlady filed an application for passing the ejectment order against the respondent-tenant, which application came to be dismissed by the Rent Controller, by an order dated 29.08.2018, which order is under

challenge in this civil revision.

3. Learned counsel for the petitioner-landlady argues that the Rent Controller has failed to consider that vide order dated 21.03.2017, the respondent-tenant was directed to pay the arrears of rent, as provisionally assessed on or before 20.05.2017 and the respondent-tenant failed to comply with the said order, therefore, the respondent is liable to be evicted on this ground alone.

4. I have heard learned counsel for the petitioner-landlady and have gone through the case file.

5. Vide order dated 21.03.2017, the Rent Controller assessed the provisional rent and respondent-tenant was directed to pay the same on or before 20.05.2017. However, the Rent Controller was on leave on 20.05.2017 and the file was taken up on 12.05.2017 and was adjourned to 17.07.2017 for the purpose already fixed i.e. for tendering the provisionally assessed rent. On 17.07.2017, the matter was taken up by the Duty Magistrate, as the concerned Presiding Officer was on maternity leave and it was the petitioner-landlady who herself denied to receive the rent. The respondent-tenant was directed to pay the provisional rent in the bank. Accordingly, the provisional rent was paid in the bank and the receipts of challan were placed on record by the respondent-tenant. Under these circumstances, the Rent Controller dismissed the application filed by the petitioner-landlady for passing the ejectment order against the respondent-tenant.

6. This court finds nothing wrong in the impugned order so passed by the Rent Controller, as the respondent-tenant had complied with

the order so passed by the Rent Controller. As such, the civil revision in hand is hereby dismissed, being devoid of any merit.

March 26, 2019
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No