

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-5826-2016 (O&M)

Date of decision: 22.07.2019

Subhash Chander Singh

...Petitioner

Versus

Surjit Lal Arora

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: None.

JAISHREE THAKUR, J. (ORAL)

1. This is revision petition that has been filed seeking to challenge the order of the Rent Controller whereby application filed under Section 13 of East Punjab Urban Rent Restriction Act, 1949 seeking ejectment of the petitioner has been allowed and subsequently the order of the Rent Controller affirmed in appeal by the Appellate Authority.

2. In brief, the facts are that the respondent herein, namely Surjit Lal Arora filed an application under Section 13 of East Punjab Urban Rent Restriction Act, 1949 taking the plea that the tenant was in arrears of rent, apart from the plea of bona fide personal necessity of the demised premises for the use and occupation of his son.

3. The petition was contested by filing a written statement. The

provisional rent was assessed by the Rent Controller on 03.09.2015 and thereafter the case was listed for 08.10.2015 for tendering the provisional rent on which date the said rent was not tendered in Court. The Rent Controller while relying upon a judgment rendered in ***Rakesh Wadhawan vs. M/s Jagdamba Industrial Corporation, 2002(1) R.C.R (Rent) 514*** ordered ejectment of the tenant by order dated 08.10.2015 which was challenged before the Appellate Authority. The Appellate Authority by taking into account the fact that the tenant had not paid the provisional rent, upheld the order of the Rent Controller which has now been challenged by the petitioner tenant before the High Court.

4. The petition was filed as far back as July, 2017 on which date a request was made for adjournment. The matter was again listed on 16.12.2017, when a request was made for adjourning the case. Subsequently thereafter, the case had been listed and adjourned by order of the Bench Secretary. The matter is taken up for hearing today and there is no representation on behalf of the petitioner tenant. A perusal of the order passed both by the Rent Controller and the Appellate Authority, would reflect that ejectment petition has been allowed on the ground that there was non-compliance of the order dated 08.10.2015 whereby it was noted that provisional rent had not been paid. The ratio of ***Rakesh Wadhawan*** case (supra) would be fully applicable to the instant proceedings, wherein it has been held that ejectment would follow in case the provisional rent had not been paid.

5. Finding no ground to interfere in the well reasoned orders by

the Rent Controller as well as the Appellate Authority, the instant petition is dismissed.

22.07.2019

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.