

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

**CR No.5420 of 2018 (O&M)
Date of Decision : 13.05.2019**

Santokh Singh

.....Petitioner

Versus

Raj Kumar Batra

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Aayush Gupta, Advocate
for the petitioner.

Mr. Naveen Bawa, Advocate
for the respondent.

SUDIP AHLUWALIA, J. (ORAL)

This Revision Petition is directed against the impugned Orders dated 7th July, 2017 and 7th July, 2018 (Annexures P-3 and P-8), passed by the Court of Ld. Rent Controller, Ludhiana in Rent Petition No.RP/294/2016 and in Rent Appeal No.1129, dated 17th May, 2016, respectively.

2. Background of the matter is that the Ld. Rent Controller, on an earlier date (15th May, 2017), by a detailed order had determined the provisional rent along with, interest as well as the costs involved payable by the Respondent/Tenant to the Petitioner/Landlord for a composite amount of Rs.1,72,600/-, and time was granted to the Respondent to make such payment on 7th July, 2017. On the said date, however, the

Respondent paid only an amount of Rs.72,600/- to the Petitioner, who accepted the same “without prejudice to his legal rights”. Thereafter, the Ld. Rent Controller adjourned the matter to 20th July, 2017 for the remaining payment. On that date again the Petitioner received the balance of Rs.1,00,000/- from the Respondent “without prejudice to the legal rights of the Petitioner”.

3. He, thereafter, filed his Application dated 21st October, 2017 (Annexure P-7), seeking summary eviction of the Respondent/Tenant on account of non-compliance of the original Order dated 15th May, 2017, inasmuch as the Respondent had failed to pay the provisional amount assessed on the first date fixed for that purpose itself i.e. 7th July, 2017. Such Application was, however, dismissed by the Ld. Rent Controller vide the impugned order.

4. It has been submitted on behalf of the Petitioner that both the Orders dated 7th July, 2017 and 7th July, 2018 are illegal since the Rent Controller did not have any jurisdiction to extend the time for deposit/payment of the amount assessed, as payable in determining the provisional rent. Reliance in this regard has been placed on the decision of the Hon'ble Supreme Court in '**Rakesh Wadhawan Versus M/s. Jagdamba Industrial Corporation**', 2002(1) R.C.R.(Rent) 514.

5. In '**Mrs. Birinder Khullar Versus Maninder Singh**', 2011 (1) R.C.R.(Rent) 307, as well as in '**Sudhir Kumar vs. Kuldeep Singh Malhotra**', 2011(3) R.C.R.(Civil) 758, Co-ordinate Benches of this

Court have clearly held that the Rent Controller has no jurisdiction to extend time for payment after the provisional rent and admissible arrears are once assessed. The above position of law is undisputed and Ld. Counsel for the Respondent/Tenant has been unable to place any contrary citation on this point.

6. For the aforesaid reasons, the impugned orders passed by the Ld. Rent Controller are clearly beyond jurisdiction and unsustainable.

7. Consequently, the present Revision Petition is allowed, the impugned orders are set aside, and the Petitioner's Application dated 21st October, 2018 (Annexure P-7) filed before the Ld. Rent Controller, seeking ejectment of the Respondent/Tenant, on account of his failure to pay the assessed provisional rent on the fixed date (7th July, 2017) designated for that purpose, is ordered to be allowed.

8. In the interest of justice, however, the Respondent/Tenant is granted time till 31st of July, to peacefully vacate the demised premises and deliver its possession to the Petitioner/Landlord, during which period, no coercive steps shall be taken against him (Respondent/Tenant), subject to his paying the accrued arrears, if any, as well as the current rent, within 15th day of each Calendar month.

May 13, 2019

Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No