

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

CR No.899 of 2019 (O&M)

Date of Decision: February 07, 2019

Dhanjeet

...Petitioner

Versus

Kailash Chand Sharma and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Petitioner in person with counsel
Mr. Ram Kumar Saini, Advocate

JAISHREE THAKUR, J. (Oral)

1. This is a civil revision that has been filed by the petitioner-tenant seeking to challenge the impugned order dated 30.03.2018 passed by the Rent Controller, Faridabad as well as order dated 01.11.2018 passed by the Appellate Authority, Faridabad whereby, the petitioner herein has been directed to vacate the demised premises on a petition filed under Section 13 (2)(i) of the Haryana Urban (Control of Rent and Eviction) Act, 1973.

2. In brief, the facts are that, the respondents-landlords herein filed an eviction petition against the petitioner herein from the demised premises shown with letters ABCD in red colour in the site plan, on the ground of non-payment of rent. The petition was contested and the learned Rent Controller in the light of the judgment rendered in ***Rakesh Wadhawan vs. M/s Jagdamba Industrial Corporation, 2002(2) RLR (S.C.) 36*** came to

order eviction on the ground that petitioner-tenant herein had failed to deposit the provisional rent, as assessed, during the pendency of the rent petition. This order was challenged before the Appellate Authority, who on consideration of the judgment rendered in ***Rakesh Wadhawan vs. M/s Jagdamba Industrial Corporation (supra)***, affirmed the order of the Rent Controller. Aggrieved, the instant criminal revision has been filed.

3. I have heard learned counsel for the petitioner and have also perused the orders under challenge and find no infirmity in the same. The law is well settled that in case, the tenant fails to comply with the provisional assessment order and does not deposit the same within the stipulated period, he would be liable to be ejected.

4. At this stage, Mr. Gaurav Singla, Advocate puts in appearance on behalf of the respondents-landlords on his own and files the memo of appearance, which is taken on record. He informs this court that the execution proceedings have already been initiated and possession of the disputed premises has been taken other than one machinery, which is still lying in the said premises.

5. At this stage, the petitioner-tenant, who was present in the court sought three months' time to vacate the said premises, however, this court was not inclined to allow him such period, since possession of the premises had been taken (other than one machine). In order to give him time to relocate the machine, an offer was made to the petitioner-tenant, to furnish an undertaking that he would vacate the premises within a period of two weeks, however, he has declined to furnish such an undertaking.

6. Faced with this situation, this court has no hesitation in

dismissing the civil revision in hand, which has no merit.

7. Dismissed.

February 07, 2019
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No