

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

CR No. 7568 of 2018 (O&M)

Date of Decision:22.01.2019

Vijay Kumar

.....Petitioner

Versus

Satwant Kaur and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Manuj Nagrath, Advocate
for the petitioner.

LISA GILL, J.

Petitioner is aggrieved of order dated 29.08.2016, passed by the learned Rent Controller, Jalandhar, whereby petitioner's eviction has been ordered on account of non-payment of provisional arrears of rent etc. Appeal preferred by the petitioner has also been dismissed by the learned Appellate Authority, Jalandhar, vide judgement dated 11.06.2017.

Respondent-landlord filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act (for short 'Act'), seeking eviction of the present petitioner from the premises as detailed in the petition on the ground of non-payment of rent and subletting of the premises. Provisional rent was assessed by the learned Rent Controller, Jalandhar on 21.05.2016 to the tune of ₹3,23,060/- including interest and cost. The matter was adjourned for 29.08.2016 for payment of provisional rent, but the present petitioner failed to pay the rent. Accordingly, learned Rent Controller, Jalandhar, in terms of the judgement of the Hon'ble Supreme Court in **Rakesh Wadhwan**

and others Vs. M/s Jagadamba Industrial Corporation and others, AIR 2002 SC 2004 directed ejectment of the petitioner with a direction to handover the vacant possession of the premises to the respondents within two months.

Appeal filed by the present petitioner was dismissed by the learned Appellate Authority, Jalandhar, vide impugned judgment dated 11.07.2017.

Aggrieved therefrom, present petition has been filed.

Learned counsel for the petitioner submits that the petitioner was unable to pay the rent as he is suffering from a permanent disability to the tune of 60%. Civil Revision No. 5158 of 2016 was filed by the petitioner seeking a limited relief of extension of time in deposit of the rent. The abovesaid revision petition was withdrawn by the petitioner. Liberty was afforded to the petitioner by this Court to move an appropriate application for extension of time before the learned Rent Controller, if permissible. Application under Section 151 CPC filed before the learned Rent Controller, Jalandhar, was dismissed by the learned Rent Controller, Jalandhar, vide order dated 29.08.2016 (Annexure P-13) and eviction of the petitioner was ordered by the learned Rent Controller vide impugned order of even date. Learned Appellate Authority, Jalandhar, did not take into consideration the relevant facts and has wrongly passed the impugned order dated 11.06.2017.

Heard learned counsel for the petitioner.

Learned counsel for the petitioner is unable to deny that the provisional arrears of rent as directed by the learned Rent Controller, Jalandhar, were not deposited by the petitioner. Civil Revision No. 5158 of

2016 filed by the petitioner was dismissed as withdrawn on 11.08.2016 and order reads as under:-

“Counsel for the petitioner prays for withdrawal of the present revision petition to move an appropriate application for extension of time before the Rent Controller, Jalandhar, in accordance with law to pay the arrears of provisional rent as assessed by the Court by its order dated 21.05.2016.

Dismissed as withdrawn with liberty aforesaid, if permissible in law.”

Learned Rent Controller, Jalandhar, vide order dated 29.08.2016 (Annexure P-3) rightly dismissed the application under Section 151 CPC and passed the impugned order dated 29.08.2016 directing his ejection. The Hon'ble Supreme Court in **Rakesh Wadhwan's** case (Supra) has held as under:-

“on failure of the tenant to comply, nothing remains to be done and an order for eviction shall follow. If the tenant makes compliance, the inquiry shall continue for finally adjudicating upon the dispute as to the arrears of rent in the light of the contending plea raised by the landlord and the tenant before the controller.”

Learned Rent Controller, Jalandhar, in such situation is left with no other option, but to allow the petition under Section 13 of the Act. Learned Appellate Authority, Jalandhar has rightly upheld order dated 29.08.2016 passed by the learned Rent Controller, Jalandhar.

No other argument has been raised.

Learned counsel for the petitioner is unable to point out any illegality, infirmity or perversity in the impugned orders dated 29.08.2016, passed by the learned Rent Controller, Jalandhar and order dated 11.07.2017

passed by learned Appellate Authority, Jalandhar, which calls for interference by this Court in exercise of revisional jurisdiction.

Petition is accordingly dismissed with no order as to cost.

22.01.2019
s.khan

[LISA GILL]
Judge

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