

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.251 of 2019 (O&M)

Date of Decision :08.02.2019

Moti Ram

.....Appellant

Versus

Market Committee, Rohtak and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Deepak Girotra, Advocate for the appellant.

ARUN PALLI, J. (Oral):

This is an *intra Court* appeal under Clause X of the Letters Patent against an interim order dated 14.01.2019, passed in CWP No.579 of 2019, vide which while issuing notice of motion the learned Single Judge ordered status quo as regards possession, subject however to deposit all the arrears at the increased rent within a specified time.

Facts that are required to be noticed are limited.

In an eviction petition filed by the Market Committee, Rohtak, under Sections 5 and 7 of the Public Premises Act, vide order dated 7.8.2018, respondent No.3 reached a conclusion that the appellant-petitioner was in unlawful possession of the demised premises, and thus, not only his eviction was ordered but he was also directed to deposit the arrears w.e.f. 1.7.1992, at the increased rent, within a period of three years. Likewise, he was required to deposit the requisite amount, calculated at 25% increase, after every three years till the possession of the premises was handed over to the respondents. However, the Appellate Authority, in an appeal preferred by the appellant, vide order dated 5.12.2018, modified the said order and

observed that in the event the appellant deposits the entire arrears up to 31.12.2018, in terms of the order passed by respondent No.3, he shall not be evicted. Still aggrieved, the appellant approached this Court vide a writ petition, as indicated above. The only factor because of which he has preferred the appeal at hands is: vide impugned order he has been required to deposit the entire arrears at the increased rent.

Ex facie, the learned Single Judge is in seizin of the dispute and post notice of motion the matter is listed for 29.03.2019, for service of the respondents. On a consideration of the matter the learned Single Judge ordered status quo qua possession subject to depositing the entire arrears at the increased rent, as ordered by the respondent authorities. Whatever be the case of the appellant, but that is yet to be adjudicated, and for the present, the fact that the findings and the orders passed by the respondent authorities are against the appellant cannot be lost sight of. Needless to assert that the order that is being assailed herein is interim in nature and the deposits, if any, in compliance thereof is always subject to further orders or a final decision in the matter as the writ Court would deem appropriate. And, if the situation would so require the necessary adjustments or orders in this regard could always be passed.

Thus, in our view and opinion, the appeal lacks both i.e. merit as also the bonafides and is accordingly dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

08.02.2019

Manoj Bhutani

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