

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

CR No. 2851 of 2019 (O&M)
Date of decision: 2.5.2019

Kulwinder Singh

...Petitioner

Versus

Late Sh. Baldev Raj Sethi through LR

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rajan Bansal, Advocate,
for the petitioner.

JAISHREE THAKUR, J.

This revision seeks to challenge the order dated 23.1.2019 passed by the Appellate Authority, Chandigarh, by which the petitioner herein has been directed to deposit upto date arrears of rent with effect from 1.9.2011 at the rate of ₹15,000/- per month in the shape of an FDR before the Rent Controller within a period of three months from the date of the order.

In brief, the facts are that the respondent late Shri Baldev Raj Sethi instituted an eviction petition under Section 13 of the East Punjab Urban Rent Restriction act, 1949 seeking eviction of the petitioner herein from the rented premises House No. 803, Village Kajheri, Sector 52, Chandigarh. On evidence led by both the parties, eviction was ordered by the Rent Controller. Against the order of eviction, the petitioner herein filed an appeal before the Appellate Authority along with an application for

staying the operation of the ejectment order passed by the Rent Controller. The application for stay was strongly opposed by filing a reply. It was contended that the petitioner had been found to be in arrears of rent at the rate of ₹15,000/- per month from 1.9.2011, while submitting that the balance of convenience lies in favour of the respondent/landlord seeking eviction. The Appellate Authority admitted the appeal for hearing, while directing the operation of the impugned order of ejectment would be stayed subject to the condition that the appellant/petitioner herein deposit upto date arrears of rent with effect from 1.9.2011 in the shape of an FDR before the Rent Controller within a period of three months.

Learned counsel while challenging the impugned order argues that there are sufficient grounds in the appeal filed before the Appellate Authority to have the impugned ejectment order set aside. It is also argued that there is no cogent evidence available on the record to establish the rate of rent at ₹15,000/- per month and, therefore, directing the petitioner to deposit the arrears of rent at the rate of ₹15,000/- per month is not sustainable.

I have heard learned counsel for the petitioner and find no merit in the arguments so raised. Admittedly, as on date, there is an ejectment order which has been passed in favour of the respondent herein and the appeal is pending consideration before the Appellate Authority. The Appellate Authority in its wisdom has directed the petitioner herein to deposit the arrears of rent at the rate of ₹15,000/- per month based on the ejectment order, but at the same time secured the interest of the petitioner herein by directing that the arrears of rent so calculated be deposited in the

shape of an FDR before the Rent Controller. A reading of the impugned order does not reflect that the Appellate Authority has allowed the release of the amount of the FDR in favour of the respondent/landlord. No prejudice is going to cause to the petitioner herein, while the interest of the respondent/landlord has been secured.

Therefore, finding no merit in this revision petition, the same is dismissed.

2.5.2019
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No