

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-5485-2019 (O&M)

Date of decision: 06.09.2019

M/s Rahar Medical Hall and another

..... Petitioners

Versus

Harbans Lal Chhabra

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Ramesh Sharma, Advocate for the petitioners.

RAMENDRA JAIN, J. (ORAL)

Through this revision, tenant-petitioners have assailed judgment of Appellate Authority dated 22.07.2019, affirming order of learned Rent Controller, dated 21.08.2017, whereby they were directed to vacate the demised shop/premises within two months.

Briefly, respondent-landlord filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, for eviction of petitioners, on two grounds (i) that after 21.10.2004, they did not pay rent and (ii) finally closed the demised shop on 01.01.2009, without disclosing there whereabouts. He made best possible efforts to locate the petitioners, but could not trace them, on account of closure of demised shop since 01.01.2009. Thus, finding no option, on 01.01.2011, he put his own lock on the shutter of demised shop. Despite that petitioners did not turn up. Thus, they had ceased to occupy the demised shop.

Upon notice, petitioners denied title of the respondent over demised shop. They even did not deposit arrears of rent.

Learned Rent Controller, after holding trial accepted eviction petition of respondent-landlord vide order dated 21.08.2017.

Being aggrieved, petitioners approached Appellate Authority, but remained un-successful as their appeal too was dismissed vide impugned order dated 22.07.2019.

The sole contention of learned counsel for the petitioners is that both the Authorities below have erred in not granting one opportunity to the petitioners to make payment of arrears of rent.

Having given thoughtful consideration to the submission of learned counsel for petitioners, this Court finds that the instant revision is an dishonest attempt of petitioner-tenants to circumvent well reasoned judgments of the two authorities below against them. The learned Rent Controller and the Appellate Authority, as well had rightly held that in case, a tenant denied his relationship as tenant and landlord in between the parties, opportunity to tender arrears of rent is not available to him.

This Court, while exercising revisional power, has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond the jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

Learned counsel for the petitioners has not been able to point out any such infirmity.

I have carefully gone through the orders of both the authorities below and find no illegality or perversity in the same, rather,

the same are based on well reasoned findings, supported by various authoritative pronouncements. The petitioners have not cited any contrary law to the same.

In view of the discussion made above, the instant revision is dismissed with the observation that in case, petitioners all still in possession of the demised shop, they shall be liable to pay ₹85,000/- as *mesne profits* per month from the date of this order.

September 06, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No