

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

**CR-7025-2019 (O&M)
Date of Decision : 06.11.2019**

Dalbir Singh Chaudhary

..... Petitioner

Versus

Parkash Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Mohan Singh Chauhan, Advocate for the petitioner.

RAMENDRA JAIN, J. (Oral)

Through this revision under Article 227 of the Constitution of India, petitioner-tenant has laid challenge to the order dated 30.09.2019 (Annexure P-1) of the Rent Controller whereby his defence was struck off.

Briefly, respondent-landlord filed an eviction petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (in short 'the Act') to evict the petitioner from demised shop, detailed in the headnote of the eviction petition, situated in Municipal Limits, Kharar, Tehsil Kharar, District S.A.S.Nagar (Mohali).

Upon notice, the petitioner contested the petition by filing written statement. From the pleadings of the parties, learned Rent Controller framed issues.

The petitioner, despite availing several opportunities, did not pay the entire arrears of rent. Thus, respondent-landlord moved an application for striking off his defence. Pursuant thereto, petitioner undertook to pay the entire arrears of rent by a specific date. Resultantly, the said application was adjourned to 29.05.2019. Thereafter, it was further adjourned several times for the said purpose. Finally, the learned Rent Controller disposed of the said application vide order dated 12.09.2019, with direction to the petitioner to pay 70% amount of the arrears of rent by 30.09.2019.

Despite the aforesaid specific direction, the petitioner, on the adjourned date i.e. 30.09.2019, did not comply with the same. Thus, the learned Rent Controller finding no option, struck off his defence vide order impugned herein.

Learned counsel for the petitioner-tenant contends that one last opportunity may be given to the petitioner to deposit entire arrears of rent.

Having given thoughtful consideration, this court finds the instant revision merits dismissal for the reasons to follow.

Petitioner, despite availing several opportunities, did not deposit arrears of rent, what to talk of current rent.

It is not that the learned Rent Controller struck off the defence of petitioner on a single date, rather it was struck off after affording reasonable opportunities to him.

A landlord cannot be asked to act according to unreasonable and illegal demands of a tenant. Since the petitioner did not prove himself to be a good tenant and also did not comply with the specific directions given by the Rent Controller, therefore, he does not deserve any favour from this Court.

Dismissed.

(RAMENDRA JAIN)
JUDGE

06.11.2019
mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No