

118(2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

CR-7908-2019

Date of Decision: December 09, 2019

Khushal Chand

.....Petitioner

Versus

Naresh Kumar Sanghi

.....Respondent

2.

CR-7909-2019

Saroj Devi

.....Petitioner

Versus

Naresh Kumar Sanghi

.....Respondent

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Sanjay Mittal, Advocate
for the petitioner.

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NIRMALJIT KAUR, J. (ORAL)

This order shall dispose of the above captioned revision petitions as the point in issue involved in both the cases is common. For the sake of convenience, the facts are being extracted from CR-7908-2019.

The present revision is filed against the order dated 30.10.2019 vide which the application filed by the petitioner for setting aside the ex parte order dated 30.04.2019 has been dismissed.

Heard.

Admittedly, the eviction order was passed against the petitioner on 03.01.2019 for non-payment of provisional rent so assessed by the Rent Court with a direction to vacate the premises in question within one month

from the said date. The said order was passed in his presence but he did not

vacate the premises. Therefore, the respondent-landlord was forced to file execution petition against him. He was duly served as per the report on 14.03.2019. In fact, he was also served through Munadi. In spite of the same, the petitioner failed to appear. Therefore, there was no choice left with the Court but to proceed against him ex parte and issue warrants of possession. Therefore, his application for setting aside the said order was rightly dismissed on 30.10.2019.

There is another way to look at the whole thing. His eviction was ordered on the ground of non-compliance of provisional assessment order, i.e. on account of non-payment of rent. Having failed to deposit the provisional rent, the petitioner cannot claim any relief against the eviction order. In fact, the petitioner has continued to enjoy the premises in dispute, in spite of the non-compliance of the provisional assessment order of rent, which is not permissible.

Both the revision petitions stand dismissed accordingly.

December 09, 2019
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(NIRMALJIT KAUR)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |