

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

115

CR No.256 of 2020 (O&M)
Date of decision : 29.01.2020.

Karamjit Singh

... Petitioner

Versus

Mohinder Singh @ Balbir Singh

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Namit Gautam, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner/landlord has challenged the order dated 30.11.2019 passed by the Rent Controller, Ludhiana, whereby the application preferred by him for passing the eviction order has been declined.

Learned counsel for the petitioner contends that the provisional rent was assessed by the order dated 31.10.2019 and the case was adjourned to 23.11.2019 for making the payment of the provisional rent. The Rent Controller was on leave on 23.11.2019 and he had taken up the matter on 22.11.2019 and adjourned the same to 30.11.2019. He also contends that in the event of the Rent Controller being on leave, it was incumbent on the tenant to move an application on the next working day when the Rent Controller was holding Court which in this case was on 25.11.2020 and he should have tendered the rent.

Heard.

The assessment order for provisional rent has been passed on 31.10.2019 and the case was adjourned to 23.11.2019 for making the payment.

The Rent Controller had taken up the matter on 22.11.2019 as he was not

holding Court on 23.11.2019 and had adjourned the matter to 30.11.2019. The tenant-respondent had tendered the provisional rent on 30.11.2019. When the case was taken up on 22.11.2019, it was without any notice to either of the parties. The tenant had no notice of the factum of the matter being taken up on 22.11.2019. The case was then adjourned to 30.11.2019. The first date after the assessment of the provisional rent, would thus be 30.11.2019 when the matter had been taken up after notice to the tenant-respondent. The tender of provisional rent on 30.11.2019 would be in consonance with the provisions of the East Punjab Urban Rent Restriction Act wherein it is stipulated that the rent has to be tendered on the first date after the assessment.

Consequently, I do not find any merit in this petition which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

January 29, 2020
sonia gugnani

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