

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

CR-2161-2020 (O & M)

Date of Decision: 29.09.2020

SANTOSH KUMARI

...Petitioners

Versus

M/S MV INDIA REAL TECH PVT LTD AND ORS

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sangram Singh Saron, Advocate,
for the petitioner.

Mr. Gaurav Gupta, Advocate
for respondents No.1, 2 & 4.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

CM-8509-CII-2020

For the reasons stated in the application, same is allowed and documents contained at Annexures P-9 to P-11 are taken on record, subject to all just exceptions.

Main case

Instant petition, under Section 15 (6) of Haryana Urban (Control of Rent and Eviction) Act, 1973, is for setting aside/modifying the order dated 01.07.2020 (Annexure P-5) and for directing the respondents to pay the arrears of rent amounting to Rs.11,94,848/- as per the calculation sheet (Annexure P-6).

Confronted with Annexures P-9 to P-11, filed by the petitioner, learned counsel for the respondent-tenant submits that, per his instructions, it is a conceded position that the tenant has not paid rent for the last three years. That being the position, there is no doubt left that impugned order dated 01.07.2020 is not sustainable. In the premise, the respondent/tenant's right to defend himself,

without payment of the admitted rent, is forfeited, his defence struck off and the trial Court is directed to proceed further, in accordance with law. The trial Court is directed to issue fresh notice to both the counsels appearing before it and proceed further with the matter, in accordance with law, through video conference.

The petitioner-landlady is at liberty to seek recovery of the arrears of rent by instituting appropriate proceedings, as may be permissible, under the law.

The petition is allowed in above terms and the impugned order dated 01.07.2020 is set-aside.

SEPTEMBER 29, 2020
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No