

In the High Court of Punjab and Haryana at Chandigarh

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CR-577-2020 (O & M)

Date of Decision: January 27, 2020

SATNAM SINGH

.....PETITIONER

VERSUS

BACHITTAR SINGH

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Parminder Singh Rai, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the orders of the Courts below whereby the petition preferred by the respondent under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 ('Act' - for short) for ejectment of the petitioner/tenant was allowed.

Learned counsel for the petitioner contends that although the petitioner did not pay the provisional rent before the Rent Controller and the Appellate Authority but after the dismissal of his appeal by the Appellate Court, the petitioner has made part payment of the arrears of rent to the landlord.

Heard.

The respondent had preferred the petition under Section 13 of the Act for ejectment of the petitioner/tenant from the shop in dispute situated near Bus Stand, Mohalla Kamalpur, Hoshiarpur on the ground of non-payment of arrears of rent as well as the shop being unfit for human habitation. It was

stated in the petition that the shop had been rented to the tenant/petitioner on a monthly rent of ₹400/- on 01.01.1990. The Rent Controller by the order dated 16.08.2016 had assessed the provisional rent at ₹400/- per month w.e.f. 01.04.2008 to 05.02.2016 (till the date of the filing of the application) which come to ₹37,600/- along with interest of ₹8,930/- and ₹500/- as cost. Therefore, the total amount which was payable by the petitioner/tenant was ₹47,030/-. The date for tendering the rent was 29.09.2016. The petitioner/tenant did not pay the provisional rent and, therefore, the Rent Controller had allowed the petition for non-payment of rent. The petitioner had preferred an appeal before the Appellate Authority. Even before the Appellate Authority, no amount was paid towards arrears of rent in terms of the order assessing provisional rent. The order assessing provisional rent was also not challenged by the petitioner/tenant at any stage, and, therefore, it had attained finality. Therefore, as the petitioner had not paid the provisional rent, his appeal before the Appellate Authority had also been dismissed. In the event of the petitioner/tenant not paying the provisional rent, it is incumbent upon the Courts to allow the ejectment petition.

Consequently, I do not find any illegality in the orders passed by the Rent Controller and the Appellate Authority allowing the petition for ejectment on account of non-payment of rent by the tenant/petitioner.

The petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

January 27, 2020
A.Kaundal

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