

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision-266-2021 (O&M)

Date of decision: - 12.02.2021

Karan Kumar

....Petitioner

Versus

Ajit Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Naresh Kumar, Advocate, for the petitioner.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present revision petition has been filed challenging the order dated 06.04.2019 passed by the learned Rent Controller, Mukerian, District Hoshiarpur as well as the order dated 25.02.2020 passed by the learned Appellate Authority, wherein, the eviction of the petitioner has been ordered from the premises in question.

Learned counsel for the petitioner submits that the eviction of the petitioner has been ordered on the ground that the premises in question is not in occupation of the tenant for the last 3½ years and even the electricity connection has been disconnected due to default of the payment of electricity bills. Learned counsel for the petitioner further argues that as there are cases pending against the petitioner under Section 138 of The Negotiable Instruments Act, 1881, the petitioner was busy

in settling those cases and hence, he was not able to operate the tenanted premises and the said act of non use of rented premise was forced upon the petitioner and was not voluntarily.

I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

Learned counsel for the petitioner has conceded that the petitioner, who was the respondent in the said proceedings, was proceeded ex-parte, which order was never challenged by him. It is further conceded by the learned counsel for the petitioner that petitioner neither cross-examined the witness to rebut the statements nor led the evidence in his defence and the evidence led by the landlord has gone un rebutted. It is not the case that the petitioner/tenant was restrained in any manner from contesting the rent application, rather, after tendering the rent in December, 2017, petitioner did not join the proceedings and was proceeded ex-parte. Once, the evidence led by the owner/land-owner has gone un rebutted and it has been proved beyond doubt that the premises in question is not being occupied by the petitioner since long, it cannot be said that the finding so recorded is contrary to the evidence on record.

During the course of hearing, learned counsel for the petitioner has conceded that the shop in question is not being operated upon by the petitioner and the electricity to the said shop stands disconnected since 27.02.2016. Once, the said fact of not occupying the premises has been proved on the basis of the evidence and has also not been disputed by learned counsel appearing on behalf of the petitioner, no

ground is made out to interfere with the orders passed by the learned Courts below especially when no perversity in the said orders has been pointed by learned counsel for the petitioner keeping in view the evidence on record.

Dismissed.

Pending application i.e. CM-1435-CII-2021 is rendered infructuous, in view of the order passed hereinbefore.

(HARSIMRAN SINGH SETHI)
JUDGE

February 12, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No