

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

108

CR No.491 of 2021
DATE OF DECISION : 15TH MARCH, 2021

Mrs. Priya Grover

.... Petitioner

Versus

Mrs. Poonam Madan

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

=====

In virtual Court

=====

Present : Mr. Paramjit Singh Jammu, Advocate for the petitioner.

Mr. Amit Jain, Advocate for the caveator.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 115 of the CPC impugning the order dated 30.09.2019 passed by the learned Rent Controller, Gurugram vide which the petitioner has been directed to vacate the demised premises and to deliver the vacant possession to the respondent-owner, along with order dated 23.02.2021 passed by learned Appellate Authority, Gurugram vide which appeal filed by the petitioner-tenant has been dismissed.

The brief facts are that the petitioner is a tenant in residential house bearing No.2, Paschim Marg, Chakarpur, DLF-Qutub Enclave Complex, Phase-I, Gurugram. She entered in the house on the basis of registered lease deed dated 18.01.2018 for a period up to 14.01.2021.

However, she stopped payment of the rent as agreed under the lease deed.

That prompted the respondent/landlady to move the ejectment petition

against the petitioner on the ground of non-payment of rent. During the pendency of the proceedings, the Rent Controller assessed the provisional rent vide order dated 05.08.2019. Although part of the assessed rent was paid through demand draft, however, for an amount of ₹6,23,035/- the cheque was given by the petitioner. That cheque was dishonoured. Hence, the Rent Controller ordered the eviction of the petitioner from the house in question. Feeling aggrieved against the same, the petitioner preferred the appeal before the Appellate Authority. However, even the appeal has been dismissed by the Appellate Authority. It is against those orders passed by the courts below that the present revision petition has been preferred by the petitioner.

At the outset, the counsel for the petitioner submits that without arguments qua merits of the case, the prayer of the petitioner is that she be granted some reasonable time to vacate the house in question. It is further submitted that till the petitioner vacates the house, she will make the payment of the rent regularly. Even the arrears of the rent, if any, would be cleared by the petitioner immediately.

On the other hand, the counsel for the respondent-landlady has submitted that the petitioner has not been paying the rent as per the lease deed. Due to default of the cheque given by the petitioner, the court below has rightly ordered the eviction of the petitioner. Even thereafter the petitioner has not paid the rent for the month of February, 2021. It is also submitted that the rent agreed between the parties was ₹1,50,000/- per month, whereas, the petitioner is now trying to resile even from the agreed rent.

Having heard the counsel for the parties, this court finds it

house in question. Accordingly, it is ordered that the petitioner shall hand over the vacant possession of the house in question to the respondent-land lady on or before 15.07.2021. The petitioner will make the payment of the rent for the month of February, 2021 @ ₹1,50,000/- per month. She will continue to make the payment of the rent @ ₹1,50,000/- per month by 7th of every month, for the period till she vacates the house in question.

It is further ordered that in case the petitioner fails to comply with any one of the above said directions, then the respondent-landlady shall be entitled to throw away the petitioner from the house in question with the help of the police, besides availing any other remedy against the petitioner.

The petition is disposed with the above said directions.

15th MARCH, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No