

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 2265 of 2021 (O&M)

Date of Decision: October 07, 2021

Ranbir Singh

.....Petitioner

versus

Jagdish Arora

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Amit Dhawan, Advocate
for the petitioner

Sudhir Mittal, J. (Oral)

The petitioner is the tenant. His eviction has been sought by the respondent-landlord on the ground of non-payment of rent. The Rent Controller has assessed the provisional rent in accordance with the agreement between the parties and keeping in view the difficulty expressed by the tenant, a period of three months was granted for payment of arrears.

Learned counsel for the petitioner submits that the petitioner is not in a position to pay the entire amount in one lump sum. He may be permitted to pay the same in installments.

According to Section 13(2)(i) of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as the Act) the tenant can be evicted for non-payment of rent provided that the liability of eviction ceased in case the arrears are paid on the first hearing of the application for ejectment. The proviso has been interpreted to mean that the Rent Controller must assess the provisional rent and fix a date for payment of the arrears in accordance therewith alongwith interest and costs. The said date would be the date of first hearing.

In accordance with the aforementioned statutory provision, the Rent Controller has assessed the provisional rent and given three months time to the

tenant to deposit the same. The Rent Controller has no jurisdiction to permit the tenant to pay the arrears in installments. Thus, the impugned order can not be said to be erroneous.

For the aforementioned reasons, there is no merit in this revision petition. It is, accordingly, dismissed.

October 07, 2021

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No