

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

124

**CR-1032-2022(O&M)  
Date of decision: 24.3.2022**

**SARAL AGGARWAL**

**...Petitioner**

**Versus**

**SUNITA BABBAR**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Mr. Namit Gautam, Advocate,  
for the petitioner.**

**ANIL KSHETARPAL, J (Oral)**

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

This revision petition under Section 15(5) of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the 1949 Act') has been filed by the landlord.

The petitioner filed a petition under Section 13 of the 1949 Act, seeking eviction of the respondent from the shop.

During the pendency of the rent petition, the Rent Controller assessed the provisional rent on 27.10.2021. The total amount assessed by the Rent Controller was Rs.30,440/- and the court adjourned the case to 02.11.2021. Finding that no rent has been tendered, the Court adjourned the case to 26.11.2021. On that day, the tenant tendered the rent, however, the petitioner refused to accept the rent amount. The Court after noticing various orders passed by the Supreme Court as well as by the High Court with regard to exclusion of the period to certain extent due to Covid-19 pandemic, permitted the parties to proceed with the case.

The learned counsel representing the petitioner submits that the

tenant did not tender the rent on or before 02.11.2021, the Court was required to pass any order of eviction.

In the considered view of the Court, the argument has two fundamental flaws. First, the order assessing the provisional rent was passed on 27.10.2021. The Court wrongly adjourned the case giving only for a duration of 5 days between the date. An appropriate/ reasonable time as per law was not granted to the tenant.

Furthermore, during the Covid-19 pandemic, the Courts have been liberally extending the time due to obstructed functioning of normal life. Moreover, the matter is yet pending before the Rent Controller.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Dismissed.

While finally adjudicating the lis, the Rent Controller will decide the case without being influenced by the observations made in this order.

All the pending miscellaneous applications, if any, are also disposed of.

**March 24, 2022**  
**nt**

**(ANIL KSHETARPAL)**  
**JUDGE**

**Whether speaking/reasoned : Yes/No**

**Whether reportable : Yes/No**