

CR-2744-2022
Date of decision : 01.08.2022

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Petitioner (tenant) has filed this revision petition to challenge the order dated 13.05.2022 passed by Rent Controller, whereby his application under Order VII Rule 11 read with Section 151 Code of Civil Procedure, for rejection of plaint/petition was dismissed.

Briefly, the facts of the case are that respondent/landlord brought eviction petition under Section 13 Haryana Urban Control (Rent and Eviction) Act, 1973 against petitioner (tenant) with averments that the demised premises was given on lease to the petitioner/tenant by executing the registered lease deed bearing No.4660 dated 06.09.2018 for a period of seven years (w.e.f. 01.10.2018 to 30.09.2025), on a monthly rent of Rs.29,000/-, excluding electricity and other taxes etc. As per the lease deed, petitioner/tenant is bound to make the payment of rent on or before 10th of every month, but the petitioner/lessee had paid sum of Rs.8,41,000/- on account of rent upto 28.02.2021 and a total sum of Rs.4,37,400/- is outstanding against the petitioner/tenant as arrears of rent, besides house tax, interest, costs etc. The cheques issued by petitioner have already dishonoured. Apart from this, the landlord also raised the ground of personal necessity, who being a sole

proprietor of firm, namely, Ganda Singh Wasakha Singh, deals in all types of agricultural implements, iron and steel etc., and is desirous to open a branch of the said firm by using the demised premises in order to settle his son, Ayush Bhatia, who is unemployed. On these averments, eviction petition was filed.

The eviction petition was contested by the petitioner (tenant) by filing the written statement, who raised preliminary objections regarding *locus standi*, cause of action, maintainability etc. and on merits, the relationship of lessor and lessee is not disputed, and further pleaded that lease was for a period of seven years and the same has not been terminated by issuing any notice and the lessee is paying the rent regularly as per the agreed terms to the respondent (landlady), who has not issued the receipts. The defendant has cleared the rent amount upto September, 2020 and thereafter, plaintiff approached him to increase the rent from Rs.29,000/- to Rs.35,000/- per month without any cause or reason. The other averments were also denied and it was prayed that eviction petition be dismissed.

During the pendency of the petition, petitioner/tenant moved an application under Order VII Rule 11 CPC for rejection of plaint, and the same was contested by the landlord by filing reply, and the Rent Controller, Kurukshetra vide order dated 13.05.2022 proceeded to dismiss the same. Hence this revision petition.

Learned counsel for the petitioner has argued that since no notice regarding termination of the lease was issued by landlord/respondent, therefore, he cannot maintain the petition for eviction of the petitioner/tenant and in this regard, he has invited the attention of the Court to the Clause 14 of Lease Deed (Annexure P-5). He submits that the trial Court has not appreciated the

pleadings of the parties carefully, therefore, it has wrongly dismissed the application. He prays that the impugned order be set aside.

After hearing learned counsel and considering the material on record, this Court finds that the eviction petition filed by respondent is founded on two grounds i.e. arrears of rent and his *bona fide* personal need. There is a specific averment in the plaint that the rent has been paid only upto September, 2020 and the cheques issued by lessee towards rent have already been dishonoured and he is in arrears of rent. The sole ground raised by the petitioner/lessee relates to non-compliance of Clause 14 of the registered Lease Deed relating to termination of lease alone would not be enough to hold that the petition is without any cause of action.

During the course of hearing, learned counsel for the petitioner has only pressed upon the sole ground of lack of cause of action to press his prayer for rejection of plaint, but upon perusal of the eviction petition, this Court finds that the ground regarding non-payment of rent is specifically pleaded and discloses the cause of action.

A perusal of the impugned order reveals that the trial Court has carefully examined the respective pleadings of the parties and has passed a reasoned order while dismissing the petitioner's application for rejection of plaint. Thus, the impugned order does not suffer from illegality or impropriety.

Resultantly, petition fails and is dismissed.

(MANOJ BAJAJ)
JUDGE

01.08.2022 Whether speaking/reasoned :
vanita Whether Reportable :

Yes No
Yes No