

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

Date of decision: 04.08.2022

1. CR-2948-2022 (O&M)

Yash Pal (deceased) through LRs

....Petitioner

Vs.

Balbir Kaur

....Respondent

2. CR-2944-2022 (O&M)

Yash Pal (deceased) through LRs

....Petitioner

Vs.

Balbir Kaur

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Piyush Setia, Advocate
for the petitioner.

Mr. R.S. Bajaj, Advocate and
Mr. Devinder Sharma, Advocate
for the respondent-caveator.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in both these revision petitions, filed by the tenant through LRs, is to set aside the judgment dated 02.05.2022 passed by the Additional District Judge, Jalandhar, vide which the order dated 15.03.2021 passed by the Rent Controller, Jalandhar has been upheld.

Brief facts of the case are that the respondent is owner of the property bearing No.9-D, Ashok Nagar, Jalandhar and the petitioner is a tenant under the respondent, in a shop at ground floor i.e. portion of the property No.9-D, Ashok Nagar, Jalandhar. The said shop was taken on rent @Rs.2,000/- per month by the petitioner w.e.f. October, 2006 vide agreement dated 04.08.2008. The respondent agreed to 5% annual increase besides the other terms and conditions fully mentioned in the rent deed. At present, rate of rent is Rs.3,425/- per month. The petitioner failed to pay the rent of the demised shop at the rate of Rs.3262/- per month w.e.f. 04.09.2018 to 03.08.2019, Rs.3,425/- per month w.e.f. 03.08.2019 to 03.11.2019 up to date, despite repeated demands and requests of the respondent. Hence, the petition was filed by the respondent-landlord for the ejectment of the petitioner-tenant. The petitioner-tenant contested the said petition by way of filing written statement. Thereafter, the Rent Controller vide order dated 15.03.2021 allowed the rent petition filed by the respondent-landlord. Aggrieved against the same, the petitioner-tenant filed an appeal before the lower appellate Court, which was also dismissed vide

judgment dated 02.05.2022.

Learned counsel for the petitioner has argued that the Rent Controller, while passing the impugned order, considered the fact that despite granting time to deposit the arrears of rent, the petitioner has not paid the same.

The only argument raised by learned counsel for the petitioner is that he may be granted some more time to deposit the arrears of rent and contest these petitions.

Learned counsel for the respondent-caveator has, however, submitted that prayer of the petitioner cannot be allowed in view of Division Bench of this Court in **Rajan @ Raj Kumar Vs. Rakesh Kumar, 2010 (1) RCR (Rent) 386**, in which it is held that after the Rent Controller has assessed the provisional rent and directed the tenant to pay the same and if the tenant failed to comply with the order on first date of hearing, after determination of the provisional rent, eviction must follow. Learned counsel has further relied upon judgments in **Rakesh Wadhawan Vs. M/s Jagdamba Industrial Corporation, 2002 (1) RCR (Rent) 514** and **Dalip Kaur Brar Vs. M/s Guru Granth Sahib Sewa Mission (Regd.) and another, 2017 (3) RCR (Civil) 51**, wherein the Hon'ble Supreme Court has held that failure on the part of the tenant to deposit the rent, as assessed by Rent Controller, itself a ground for eviction.

After hearing learned counsel for the parties and considering the fact that both the Courts have concurrently held that the petitioner-tenant

has failed to deposit the rent and accordingly, the order of eviction was passed, I find no merit in both these petitions.

Accordingly, both the petitions are dismissed.

A photocopy of this order be placed on file of connected case.

[ARVIND SINGH SANGWAN]
JUDGE

04.08.2022

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Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No