

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

CR-3681-2022 (O&M)

Date of decision: 06.09.2022

Kanta Jain

...Petitioner

Versus

Om Parkash

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjeev Sharma, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

The petitioner herein is the landlord. In exercise of the powers under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (hereinafter referred to as 'the 1973 Act'), the Rent Controller has passed an order of eviction against the tenant. An application under Order IX Rule 13 of the Code of Civil Procedure, 1908, to set aside the ex parte eviction order is stated to be pending, in which no interim protection has been granted to the tenant. An application filed by the petitioner to direct the respondent(tenant) to pay the amount at the rate of Rs.3000/- per month w.e.f April, 2010 in the pending execution petition has been dismissed by the Rent Controller on the ground that as an Executing Court, the court is required to execute the decree, as it stands.

Learned counsel representing the petitioner submits that the tenant continues to enjoy possession of the premises without payment of any amount. In the proceedings under the 1973 Act, the Rent Controller has no power to pass a decree for recovery of money. The Rent Controller only has the power to order eviction only. In such

circumstances, no fault could be found in the opinion formed by the Executing Court. However, the petitioner, if so advised, may file an appropriate application before the Executing Court or before the court where the proceedings in application under Order IX Rule 13 of the Code of Civil Procedure, 1908, are pending for appropriate orders.

Disposed of.

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

06.09.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE