

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

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**CR-2548-2020 (O&M)
Date of decision: 31.05.2022**

Raman Khanna

.....Petitioner

Versus

Rekha Gupta

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. R.S. Randhawa, Advocate
for the petitioner.

Mr. R.S. Mamli, Advocate
for the respondent.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner/tenant has preferred the instant revision petition against the order of eviction dated 30.07.2019 passed by learned Rent Controller, Faridabad and order dated 12.11.2020 passed by the Appellate Authority whereby the appeal preferred by the petitioner/tenant against order dated 30.07.2019 was dismissed.

The respondent/landlord filed an eviction petition against the petitioner/tenant on grounds of non-payment of rent. On being put to notice, the petitioner/tenant appeared and filed his written reply wherein he admitted to the landlord-tenant relationship between the parties. Thereafter, the Rent Controller assessed the provisional rent of the demised premises in the sum of Rs.9 lakhs at the rate of Rs.18,000/- for the period between 01.03.2015 and 30.04.2019 along with interests and costs, vide order dated 22.05.2019. Accordingly, the petitioner/tenant was directed to pay a total sum of Rs.9,04,560/- and then the case was adjourned to 22.05.2019 for necessary compliance.

However, on 22.05.2019, a request was made by the petitioner/tenant for some more time to pay the aforementioned provisional rent. The request of the petitioner/tenant was declined by placing reliance upon ***Civil Revision No.2901 of 2012 titled as 'Satish Kumar Vs. Ashok Kumar and others' decided on 14.05.2012*** wherein it was held that in case arrears of rent remained unpaid on the first date of hearing following the date when provisional rent was assessed, ejectment order was to follow. The order of the Rent Controller was then impugned by the petitioner/tenant before the Appellate Authority which was dismissed. It was then the petitioner/tenant approached this Court by way of the instant revision petition.

On the last date of hearing, the petitioner/tenant had sought one last opportunity to comply with the order dated 10.03.2021 of this Court whereby pursuant to his own undertaking given, he had been directed to deposit a demand draft in favour of the respondent in the sum of Rs.9 lakhs before 29.03.2022, towards arrears of rent. The petitioner was granted the said opportunity which was, however, subject to payment of Rs.5,000/- as costs. Learned counsel for the petitioner/tenant submits that the petitioner/tenant has since paid the costs in compliance of the last order. Learned counsel, however, submits that the petitioner/tenant has failed to comply with the order of this Court dated 10.03.2021 and was unable to deposit the demand draft in the sum of Rs.9 lakhs.

This Court does not find any merit in the instant revision petition. The Hon'ble Supreme Court in ***Rakesh Wadhawan Vs. M/s Jagdamba Industrial Corporation : 2002(1) RCR (Rent) 514*** has

categorically held that in case a tenant fails to comply with the orders of the Rent Controller to tender the amount of provisional rent assessed by it, nothing would remain to be done and the natural consequence which would follow would be eviction of the tenant. Since even in the case in hand, the petitioner/tenant has failed to tender the provisional rent, in terms of order dated 22.05.2019 passed by the learned Rent Controller, therefore, the order of eviction dated 30.07.2019 was rightly passed by the learned Rent Controller, which is in consonance with the settled law.

As a sequel to the above, the instant revision petition is dismissed.

31.05.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No