

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

CR No.3783 of 2022

Date of decision: 17th October, 2022

Rani @ Kulwinder Kaur

... Petitioner

Versus

Kuldeep Singh

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.K.S. Phoolka, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner/tenant/judgment debtor is challenging the order dated 18.04.2022 (Annexure P-3) passed by learned Civil Judge (Junior Division), Bathinda in Execution No.133 of 2019, whereby her objections were dismissed.

Learned counsel for the petitioner submits that the Executing Court, while passing the impugned order, failed to appreciate that the petitioner had already paid ₹ 5.00 lacs in cash to the respondent and still further, had also undertaken to pay the agreed rent regularly and continuously in the future.

Learned counsel submits that the petitioner was unable to deposit the amount of rent assessed by the Rent Controller due to losses incurred by her in her business on account of the outbreak of COVID-19 pandemic. Hence, the lapse on her part to deposit the provisional

rent was not intentional but due to reasons genuine and beyond her control.

I have heard the learned counsel and perused the relevant material on record.

A perusal of the impugned order reveals that the petitioner has failed to place on record any document to show that she had indeed made the payment of ₹ 5.00 lacs to the respondent. In the absence of any document to substantiate her claim qua the payment having been made to the respondent landlord, the Executing Court cannot be faulted with for dismissing the objections filed by the petitioner.

Hon'ble the Supreme Court in '**Rakesh Wadhawan vs. M/s Jagdamba Industrial Corporation**' 2002(5) SCC 440, has categorically held that if the tenant fails to pay or tender the amount of provisional rent assessed by the Rent Controller on the first date of hearing, nothing more would remain to be done and the only consequence that would follow would be eviction of the tenant.

Therefore, as a sequel to the above, this Court does not find any merit in the instant revision petition which stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

October 17, 2022

rps

Whether speaking/reasoned Yes/No

Whether reportable Yes/No