

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

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**C.R.No.3354 of 2021(O&M)
Date of decision:10.01.2022**

Munni Devi

...Petitioner

Versus

Sushma and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Jagmohan S. Ghuman, Advocate
for the petitioner.**

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The petitioner is a tenant under the respondents. The Rent Controller assessed the provisional rent vide order dated 04.10.2019, however, the petitioner did not deposit the same. The sufficient opportunities were granted to the petitioner to pay the amount.

The petitioner claims that she has already paid the rent, however, no material in support thereof was produced. Ultimately, the Rent Controller ordered her eviction. An appeal filed by the petitioner has been dismissed by a detailed judgment.

The learned counsel representing the petitioner *inter-alia* contends that both the authorities have erred in ordering eviction of the petitioner, particularly when she has taken a stand that the rent stands paid.

The provisions of the Haryana Urban (Control of Rent & Eviction) Act, 1973 has been interpreted by the Hon'ble Supreme Court in

Rakesh Wadhawan vs. M/s Jagdamba Industrial Corporation, 2002

AIR(SC) 2004.

It has been laid down that the Rent Controller is required to assess the provisional rent on the basis of the material produced and if the tenant fails to pay the rent, he shall be liable to be evicted. In the present case, the petitioner, as already noticed, has failed to pay the rent.

Hence, no ground to interfere in the impugned orders is made out.

Dismissed.

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

January 10, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No