

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

CR No. 992 of 2023 (O&M)

Date of decision: 14.02.2023

Gulshan Kumar

..... Petitioner.

Versus

Tehal Dass

.... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Gulzar Mohammed, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the orders passed by the Rent Controller and the Appellate Authority whereby the petition filed by the respondent/landlord for his eviction has been allowed.

Learned counsel for the petitioner submits that the provisional rent has been fixed without any basis as there was no material to indicate that the demised premises were given on rent @ ₹2,000/- per month. He also submits that the relationship of the parties had been denied and without determining the issue the eviction of the petitioner could not have been ordered.

Heard.

The respondent/landlord had filed a petition for ejectment of the petitioner/tenant on account of non-payment of arrears of rent. The petitioner/tenant is stated to be in occupation of the shop in question which was rented out to the father of the petitioner in the year 1986 @ ₹250/- per month. The rent is stated to have been mutually enhanced to ₹2,000/- per

month in the year 2011. It is stated by the respondent/landlord that the rent was mutually further enhanced to ₹4,500/- per month. After filing of the petitioner for ejectment, the Rent Controller has determined the provisional rent @ ₹2,000/- per month by order dated 29.03.2022. In the order, it is recorded that the tenant had submitted that the rate of rent was ₹2,000/- per month. The order dated 29.03.2022 assessing the provisional rent was not challenged by the petitioner/tenant at any stage and, therefore, it has attained finality. The petitioner/tenant had been granted opportunity to deposit the provisional rent along with arrears of rent, but he had failed to do so.

It has been held by the Supreme Court in the case of **Rakesh Wadhawan and others versus Jagdamba Industrial Corporation and others**, (2002) 5 SCC 440, that in the event of the tenant not depositing the arrears of rent within the stipulated period, his eviction would follow. Therefore, I do not find any merit in the impugned orders passed by the Courts below directing the eviction of the petitioner/tenant on account of non-payment of arrears of rent.

Consequently, the petition stands dismissed.

Pending application(s), if any, shall also stand disposed of.

14.02.2023
Ramesh

(ANUPINDER SINGH GREWAL)
JUDGE

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