

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

CR-940-2023(O&M)

Date of decision:-16.2.2023

Jagjit Singh

...Petitioner

Versus

Abnash Singh Luthra

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.S.K. Rattan, Advocate
for the petitioner.

Mr.Parminder Singh, Advocate
for the respondent/caveator.

H.S. MADAAN, J.

1. This revision petition is directed against order dated 13.10.2021 passed by Rent Controller, SAS Nagar (Mohali) in rent petition titled as 'Abnash Singh Luthra Versus Jagjit Singh' vide which the provisional rent had been assessed as well as ejectment order passed on 13.12.2021. Furthermore, order dated 17.11.2022 passed by Appellate Authority, SAS Nagar (Mohali) in rent appeal has been challenged vide which appeal filed against orders dated 13.10.2021 and 13.12.2021 had been dismissed.

2. According to the petitioner/tenant, he is a physically challenged person, who has been running his business from tenanted premises in the form of Industrial Plot No.C-60, Industrial Area, Phase VI, Mohali for the last 14 years.

3. Petitioner/landlord Abnash Singh Luthra had filed an ejectment petition against him on the ground of arrears of rent etc. On getting notice, the respondent had appeared. Learned Rent Controller, SAS Nagar (Mohali) vide order dated 13.10.2021 had assessed the provisional rent to be Rs.7,21,246/- directing the respondent/tenant to make payment by 13.12.2021. The respondent/tenant had challenged that order by way of filing CR-3179-2021(O&M) before this Court, which was dismissed vide order dated 9.12.2021, copy of order being Annexure P7. As the provisional rent was not paid by the tenant, his ejectment was ordered by Rent Controller, SAS Nagar (Mohali) vide order dated 13.12.2021. The tenant had challenged that order before the Appellate Authority, SAS Nagar (Mohali) but was unsuccessful. Thereafter, the tenant has approached this Court by way of filing the present revision petition.

4. Since a caveat petition in this case had been filed, Sh.Parminster Singh, Advocate has appeared for the respondent/landlord.

5. I have heard learned counsel for the parties besides going through the record and I find that there is absolutely no merit in the revision petition.

6. The revision petitioner/tenant had earlier approached this Court challenging the order passed by Rent Controller, SAS Nagar (Mohali) vide which provisional rent had been assessed but vide a detailed order that revision petition had been dismissed. For ready reference, the operative part of the order is reproduced as under:

The revisionist/tenant having taken the premises belonging to

petitioner/landlord, a senior citizen, on rent was supposed to pay rent regularly. The very fact that he has been not doing so and committing defaults, the petitioner/landlord had to adopt legal recourse to effect recovery of arrears of rent. The revisionist/tenant cannot take plea of he being a handicapped person and unable to arrange money on account of his business having been affected due to outbreak of COVID-19. As it comes out from the record, the respondent is running a crane service and person doing that type of business cannot come up with a plea that he is a poor person, unable to arrange money to pay the rent. The revisionist/tenant had taken the premises on rent voluntarily and not under any compulsion, initially at rate of rent of Rs.14,300/- per month. If he could not afford to pay that much rent, he should not have taken such type of premises on rent at all. He cannot possibly take plea of his being a handicapped person and his business having been affected on account of outbreak of COVID-19. It has to be noticed that COVID-19 had started showing visible marks from March 2020 onwards and now the situation has more or less returned to normal. The period for which the revisionist is stated to be in arrears of rent is much prior to that. It is to be kept in mind that the landlord has been deprived of the rent for a pretty long time and the revisionist is not entitled to any indulgence so as to allow him more time for making payment of arrears of rent or permitting him to pay that amount in instalments.

7. The revision petitioner/tenant having approached this Court earlier and having been unsuccessful cannot knock at the door of this Court again by way of filing a revision petition challenging that very order as well as order of ejectment passed by Rent Controller, SAS Nagar (Mohali) on account of failure of revision petitioner/tenant to pay amount of provisional rent assessed. If the revision petitioner did not pay the provisional rent, the Rent Controller was justified in ordering his ejectment so was the Appellate Authority, SAS Nagar (Mohali) in affirming the order passed by Rent Controller, SAS Nagar (Mohali) and dismissing appeal filed by the revision petitioner/tenant.

8. The impugned orders passed by the Courts below are quite detailed and well reasoned and those do not suffer from any illegality or infirmity and are not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned orders by way of exercising the revisional jurisdiction.

9. Finding no merit in the revision petition, the same stands dismissed.

Since the main revision petition has been dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

16.2.2023
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No