

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118 (02 cases)

CM-3037-CII-2023 in/&
CR-1063-2023
Date of Decision :16.02.2023

Iqbal Singh and another

...Petitioners

Versus

Sunil Goel

...Respondent

CM-3039-CII-2023 in/&
CR-1067-2023

Iqbal Singh and another

...Petitioners

Versus

Sunil Goel

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Parminder Singh Kanwar, Advocate
and Mr. Padamkant Dwivedi, Advocate for the petitioners.

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Harsimran Singh Sethi, J. (Oral)

In the present revision petitions, the challenge is to order dated 04.05.2022 (Annexure P/1) and order dated 30.5.2022 (Annexure P/2) passed by the Rent Controller by which, due to the non-payment of the assessed rent, eviction of the petitioners-tenant was directed as well as to the order passed by the appellate authority dated 20.01.2023 (Annexure P/4) by which, the appeal preferred by the petitioners-tenant against the order

dated 30.05.2022 of the Rent Controller, has been rejected.

Learned counsel for the petitioners argues that there was some ambiguity with regard to payment of the assessed rent for the reason that though, the rent was assessed to be paid by the petitioners-tenants but as there were mediation proceedings going on, the rent could not be deposited hence, non-deposit of the rent cannot be treated as intentional so as to order eviction of the petitioners-tenants. Learned counsel for the petitioners further submits that the petitioners-tenants were always ready to deposit the assessed rent as assessed vide order dated 04.05.2022 hence, without considering the said averments, even the appeal filed by the petitioners-tenant against the order dated 30.05.2022 passed by the Rent Controller directing eviction of the petitioner, has been dismissed vide order dated 20.01.2023.

I have heard the learned counsel for the petitioners and have gone through the record with his able assistance.

Though, in the present petition, there is challenge to the order dated 04.05.2022 but learned counsel for the petitioners submits that there was no occasion to challenge the said order earlier as the petitioners were ready to comply with the said order dated 04.05.2022 wherein the rent was assessed. Once the learned counsel for the petitioners submits that the petitioners were ready to comply with the said order, then why a challenge to the said order dated 04.05.2022 has been raised in the petition. At this stage, learned counsel for the petitioners submits that challenge to the order dated 04.05.2022 be treated as not pressed.

As far as the order passed by the Rent Controller dated

30.05.2022 by which, eviction of the petitioners-tenant was ordered due to the non-payment of assessed rent, nothing has come on record that at any given point of time that any effort was made by the petitioners-tenants to tender the said assessed rent. Rather the Rent Controller while passing order dated 04.05.2022 was magnanimous enough to give chance to the petitioners/tenant to mediate with the landlord in case they arrive at any amicable settlement and mediation proceedings were fixed on a date much prior to the date when the assessed rent was supposed to be tendered by the petitioners-tenant. It is a conceded position that mediation proceedings were conducted on 18.05.2022 and as per the order dated 04.05.2022, in case of non-settlement of the dispute amicably, petitioners-tenant was required to pay the assessed rent on 30.05.2022.

It is a conceded position that on 30.05.2022 neither counsel for the petitioners appeared nor application seeking extension of time for depositing the assessed rent was made in case there was any confusion in the mind of the petitioners-tenant. In the absence of this fact, it cannot be seen that the petitioners-tenants were ever ready to tender the assessed rent hence, no infirmity can be found in the order dated 30.05.2022 passed by the Rent Controller directing the eviction of the petitioners from the premises concerned due to non-payment of rent. Once, it has already been upheld even by this Court that there was no readiness of the petitioners-tenant to deposit the assessed rent up to the date fixed by the Court below, finding recorded by the Court below cannot be treated as perverse or contrary to the facts on record.

No other argument has been raised .

Keeping in view the above, no interference is called for by this Court and both the revision petitions are accordingly dismissed.

**CM-3037-CII-2023
CM-3039-CII-2023**

Applications are also dismissed.

A photocopy of this order be placed on the files of connected case.

February 16, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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