

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CR-4264-2023

Date of Decision : 31.07.2023

Rajbir Singh

.....Petitioner

Versus

Vinod Kumar Kohli

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. D.K. Singla, Advocate for the petitioner.

NAMIT KUMAR, J. (ORAL)

1. The instant revision petition has been filed by the petitioner/tenant under Article 227 of the Constitution of India for setting aside the orders dated 30.03.2022 (Annexure P-1) and 19.07.2023 (Annexure P-2) passed by learned Additional Civil Judge (Senior Division), Sangrur in case No.EXE-11-2021 titled as 'Vinod Kumar Kohli Vs. Rajbir Singh' and for staying the further proceedings in the above-said case.

2. Briefly stated the facts of the case are that the respondent/landlord filed an eviction petition against the petitioner/tenant on the ground of personal necessity and non-payment of rent. The petitioner/tenant appeared and filed reply and after completion of pleadings, the learned Rent Controller, Sangrur vide order dated 21.12.2020 assessed the provisional rent and directed the petitioner/tenant to make payment on or before 21.01.2021. Since no

payment was made by the petitioner/tenant, therefore, the learned Rent Controller, Sangrur vide order dated 21.01.2021 allowed the eviction petition on the ground that the petitioner/tenant has failed to tender the rent as assessed provisionally vide order dated 21.12.2020. The petitioner/tenant was granted 02 months time to handover the vacant possession of the premises i.e. House No.80 situated at Captain Karam Singh Nagar, Sunam Road, Sangrur to the respondent/landlord. It is the case of the petitioner/tenant that against the said order, he filed an appeal before the learned Appellate Authority and the said appeal was dismissed in default vide order dated 26.07.2022 and during pendency of the said appeal, the respondent/landlord filed execution application dated 22.03.2021 against which the petitioner/tenant filed his objections and the learned Executing Court vide its order dated 30.03.2022 dismissed the said objections and vide order dated 19.07.2023 issued the warrants of possession with the police help. The said orders are being impugned in the instant revision petition.

3. learned counsel for the petitioner contends that the petitioner may be granted some reasonable time to vacate the premise in question.

4. I have heard learned counsel for the petitioner and perused the relevant record.

5. Admittedly, the provisional rent was assessed by the learned Rent Controller vide order dated 21.12.2020 which was to be paid by the petitioner/tenant on or before 21.01.2021, however, the

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same has never been paid by the petitioner and consequently, vide order dated 21.01.2021 the eviction petition was allowed by the learned Rent Controller on the ground of non-payment of provisionally assessed rent. Appeal preferred against the said order has also been dismissed in default vide order dated 26.07.2022 passed by the Appellate Authority.

6. In view of above, there is no infirmity in the impugned orders dated 30.03.2022 and 19.07.2023 passed by learned Additional Civil Judge (Senior Division), Sangrur which need no interference and consequently, the instant revision petition is dismissed.

31.07.2023
Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No