

137 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-6188-2023 (O & M)
Date of decision: 16.10.2023

NETRA PAL

...PETITIONER

V/S

SUNNY GERA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Akshit Mehta, Advocate for the petitioner.

SANJAY VASHISTH J. (ORAL)

Present revision petition has been filed by the petitioner-tenant against the order of ejectment dated 10.04.2023 passed by the learned Rent Controller in a petition filed under Section 13 of the Haryana Urban Control of Rent and Eviction Act, 1973. In fact, ejectment has been ordered by learned Rent Controller for non-payment of the assessed provisional rent within the time stipulated by it.

2. Vide order dated 06.03.2023, an amount of Rs.7,700/- was assessed provisionally as monthly rent payable to the landlord (respondent herein) by the learned Rent Controller. On the aforementioned date, learned Rent Controller, Faridabad ordered the tenant (petitioner herein) to tender the provisional rent amount of Rs.3,13,388/- till 06.04.2023.

3. Till 06.04.2023, neither the order of learned Rent Controller dated 06.03.2023, assessing the provisional rent, was assailed by the tenant nor the amount was tendered before the Court of learned Rent Controller.

4. Accordingly, on 06.04.2023, learned Rent Controller observed as

below :-

“Present: Sh. Yash Pal Yadav, counsel for the petitioner.
Sh. Dharam Pal Gautam, counsel for respondent.

Today the case was fixed for tendering of provisional rent i.e. Rs. 3,13,388/- by the respondent to the petitioner. Rent not tendered. Now, case stands adjourned to 10.04.2023 for further proceedings.”

5. On 10.04.2023, learned Rent Controller passed the order to evict the tenant from the suit property on account of non-payment of the provisionally assessed rent. Said order was passed in compliance to the law laid down by Hon’ble Apex Court in ***Rakesh Wadhawan @ others versus Jagdamba Industries Corporation & others, 2002(1) RCR (Rent) 514.***

6. On 05.05.2023, petitioner-tenant challenged the order dated 10.04.2023 passed by learned Rent Controller before the Appellate Authority by way of an appeal bearing RA No.13 of 2023, however, the appeal was also dismissed by discussing the law in detail. Thus, the order passed by learned Rent Controller was affirmed.

7. Since, both the Courts below have already decided the rent petition in view of the law laid down by Hon’ble Apex court in ***Rakesh Wadhawan @ others’*** case (supra), this Court does not find any infirmity in the observations made in the impugned orders. This Court has also noticed that some of the medical documents are also appended with the memo of present revision petition but learned counsel is unable to render any submission significant enough to discard the observations made by the Courts below.

8. Even otherwise also, in the absence of any challenge to the order dated 06.03.2023, whereby provisional rent was assessed by learned Rent Controller, before the date fixed for its tendering, Court is constrained to assume that the order of provisional assessment was binding upon the

petitioner-tenant. Thus, on non-payment of assessed provisional rent on the date fixed for tendering the provisional rent, there is no option with the learned Rent Controller except to proceed further and pass an ejectment order, in consonance with the law laid down by Hon’ble the Supreme Court.

9. Accordingly, there is no substance in the present revision petition to disturb the well reasoned findings of both the Courts below. Thus, present revision stands dismissed *sans* merit.

October 16, 2023
manisha

(SANJAY VASHISTH)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |