

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

CR-5637-2022(O&M)

Date of decision:-24.3.2023

Seemant Sood

...Petitioner

Versus

Harmeet Kaur

...Respondent

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

Present: Mr.Rahul Sharma, Advocate
for the petitioner.

Mr.P.S. Mattewal, Advocate
for the respondent.

H.S. MADAAN, J.

1. Briefly stated, facts of the case are that in an ejectment petition filed by landlady Harmeet Kaur against tenant Seemant Sood pending in the Court of Rent Controller, Kharar on the ground of arrears of rent, learned Rent Controller had assessed the provisional rent, which was paid by the tenant up to November, 2017 but not for the subsequent period from December, 2017 to 31.10.2018. An ejectment was ordered by Rent Controller vide order dated 4.10.2021.

2. The said order was challenged by respondent/tenant before Appellate Authority, SAS Nagar(Mohali) by way of filing an appeal, who vide judgment dated 15.9.2022 dismissed the said appeal.

3. As such, the respondent/tenant has filed the present revision petition seeking setting aside of the orders passed by Rent Controller, Kharar ordering ejectment and by Appellate Authority, SAS

Nagar(Mohali) affirming the order passed by Rent Controller, Kharar.

4. Notice of the revision petition was given to respondent/landlady, who put in appearance through counsel.

5. I have heard learned counsel for the parties besides going through the record.

6. Learned counsel for appearing for the revision petitioner/tenant has contended that the provisional rent assessed by the Rent Controller, Kharar was duly paid to the landlady as has been recorded in the interim order dated 16.12.2019 passed by Rent Controller, Kharar. So much so, the Appellate Authority in para No.6 of order dated 15.9.2022 has observed that when the tenant was directed to tender the provisional rent on 16.12.2019, on 11.2.2020 he had paid Rs.1,20,000/- and on 24.2.2020, he had paid Rs.3,30,000/- through cheque and ejection of the revision petitioner/tenant was wrongly ordered.

7. Whereas learned counsel appearing for the respondent/landlady has contended that the revision petitioner/tenant was liable to pay the entire due rent and not only for the period claimed in the rent petition. In support of his contention, he has referred to various judgments i.e. **Dalip Kaur Brar Versus M/s Guru Grant Sahib Sewa Mission (Regd.) and Anr.** by the Apex Court passed in Civil Appeal No.5129 of 2017 arising out of SLP(C) No.24952 of 2015, decided on 11.4.2017, **Pawan Kumar, deceased, through LRs Versus Vinod Kumar and others** passed by a Co-ordinate Bench of this Court in CR No.3826 of 2018 (O&M), decided on 2.8.2018, **Smt.Santosh Kumari Versus Pushp Lata Mehta and Ors.** passed by a Co-ordinate Bench of this Court in CR

No.3221 of 2019 (O&M) decided on 24.5.2019 and **Shiv Dutt Jadiya** **Versus Ganga Devi** passed by the Apex Court in Civil Appeal No.4993 of 1997, decided on 20.2.2002.

8. No doubt the revision petitioner/tenant had tendered the provisional rent assessed by the Rent Controller, Kharar for the period from December, 2017 to 31.10.2018 and made some other payments also but he was liable to pay the entire rent becoming due during the pendency of such proceedings. Therefore, the landlady had filed an application to pay rent for the subsequent period. The respondent/tenant (herein petitioner) showed inability to pay the rent on account of outbreak of Covid-19 but the Rent Controller, Kharar vide the impugned order had directed the ejectment of the tenant from the demised shop. In appeal ordered was upheld by learned Appellate Authority, SAS Nagar(Mohali).

9. The impugned orders passed by the Courts below are quite detailed and well reasoned and those do not suffer from any illegality or infirmity. The revision petitioner/tenant having failed to pay the due rent was rightly ordered to be ejected from the demised shop and no fault can be found with such order passed by Rent Controller, Kharar and affirmed by the Appellate Authority. There is no reason to interfere with such orders by exercising revisional jurisdiction.

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

The interim order dated 2.12.2022 passed by this Court in favour of the petitioner thus comes to an end.

Since the main revision petition has been dismissed, the

miscellaneous application(s), if any, stand disposed of accordingly.

24.3.2023

(H.S.MADAAN)

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JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No