

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

CR-6844-2023 (O&M)

Date of Decision: 08.12.2023

NEERU ARORA

..... PETITIONER

VS

GURSHARAN SINGH SANDHU

.... RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Anoop Verma, Advocate for the petitioner.

GURBIR SINGH, J. (ORAL)

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1. Challenge in this petition is to set aside the order dated 19.10.2023 passed by learned Appellate Authority vide which the appeal filed by the petitioner against the eviction order has been wrongly dismissed as well as set aside the judgment dated 18.04.2022 and order dated 02.04.2022 passed by the learned Rent Controller, Gurugram vide which eviction petition filed by the respondent has wrongly been allowed.

2. The brief facts as culled out are that the respondent has filed the eviction petition under Section 13 of the Haryana Urban (Control of Rent and Eviction Act, 1973) for eviction of the petitioner from the demised premises on the ground of non-payment of arrears of rent. The petitioner-tenant appeared in the Court but her defence was struck off vide order dated 14.07.2017 and provisional assessment of rent was made vide order dated 02.04.2022 by the

learned Rent Controller, Gurugram. The petitioner-tenant failed to pay the

provisionally assessed rent and eviction order has been passed.

3. Learned counsel for the petitioner submits that the petitioner being helpless lady, has been misled so she could not challenge the order of striking off a defence. The petitioner has already spent a huge amount on the construction of demised premises and said construction was done with the permission of landlord. The said amount is also not adjusted in the arrears of rent.

4. I have heard submissions of the learned counsel for the petitioner and have gone through the file.

5. The petitioner has missed the train. After striking off the defence, order of assessment of provisional rent has been passed. The petitioner failed to pay the same and order of ejectment was passed.

6. Keeping in view the verdict in case of *Rakesh Wadhawan Vs Jagdamba Industrial Corporation, 2002(1) RCR (Rent)-514*, I do not find any illegality and irregularity in the order of ejectment. In case, petitioner has spent any amount on construction, the petitioner has alternate remedy to file a civil suit for seeking said relief but cannot agitate the same now in revision.

7. The petition stands dismissed accordingly.

08.12.2023
renu

(GURBIR SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>