



S. No.117

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1577 of 2026 (O&M)

Date of Decision:18.03.2026

Sanjay Wadhwa

.....Petitioner

Vs.

Gyanchand

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Ms. Amandeep Kaur, Advocate for
Mr. Kulbhushan Sharma, Advocate
for the petitioner.

Yashvir Singh Rathor, J. (Oral)

1. This revision petition is directed against the order dated 16.01.2026, passed by Rent Controller, Faridabad whereby the application moved by the petitioner- landlord for ordering eviction of the respondent- tenant from the demised premises on account of his failure to pay the rent assessed by the Court @Rs.4,000/- per month during pendency of the eviction petition has been dismissed.

2. I have heard learned counsel for the petitioner and perused the material placed on record.

3. Learned counsel for the petitioner contended that vide order dated 03.02.2025, the Rent Controller had assessed the rate of rent @Rs.4,000/- per month and tenant was directed to pay provisional rent for the period from 01.06.2022 to 30.04.2024 i.e. for 23 months which has been paid by him.



However, thereafter, tenant has failed to pay the rent from 01.05.2024 onwards and is thus liable to be evicted. Learned counsel argued that the Rent Controller has not appreciated the facts of the case and material on file in the correct perspective while dismissing the application and impugned order is liable to be set aside and tenant is liable to be evicted. In support of his contention, learned counsel has relied upon 2025(2) ICC 492 – **Meera Devi (D) through LR Vs. Dinesh Chandra Joshi (D) through LRs** and 2002(2) RLR 36 – **Rakesh Wadhawan Vs. M/s Jagdamba Industrial Corporation.**

4. Following prayer has been made by the petitioner- landlord in his application which has been dismissed by way of impugned order:-

Vide order dated 03.02.2025, this Court assessed the rate of rent at Rs. 4,000/- per month for the period w.e.f. 01.06.2022 to 30.04.2024, i.e. for 23 months, which amount has been duly paid by the respondent-tenant.

Under law, the respondent-tenant is duty-bound to pay rent for the subsequent period during the pendency of the ejectment petition. Since the respondent-tenant has wilfully failed and neglected to pay rent for the period w.e.f. 01.05.2024 to 31.08.2025, i.e. for 16 months, at the rate of Rs. 4,000/- per month, amounting to Rs. 64,000/-, he has rendered himself liable to be ejected forthwith from the premises in question.

With these submissions, it is prayed that an ejectment order be passed against the respondent-tenant in respect of the two shops, as fully detailed in paragraph No. 1 of the petition, on account of non-



payment of rent w.e.f. 01.05.2024 to 31.08.2025 during the pendency of the present petition.

5. Tenant- respondent filed reply to the application and submitted that he has complied with the directions issued by the Rent Controller vide order dated 03.02.2025 and has deposited the provisional rent assessed by the Controller and he has not committed any default.

6. A perusal of the order dated 03.02.2025 (Anneure P.2) vide which provisional rent was assessed shows that the Rent Controller had assessed the provisional rent @Rs.4,000/- per month and arrears to the tune of Rs.92,000/- for the period from 01.06.2022 to 30.04.2024 for a period of 23 months and respondent- tenant was directed to pay a sum of Rs.1,00,360/- as arrears of rent including interest and cost. The provisional rent so assessed vide order dated 3.2.2025 has admittedly been deposited by the respondent- tenant. A perusal of the order dated 3.2.2025 further shows that the Rent Controller has not issued any direction to the tenant to pay or deposit the rent which will accrue from 1.5.2024 onwards and as such, respondent has not flouted or disobeyed the order of the Rent Controller. Had the Rent Controller passed an order directing the tenant to deposit or pay future rent to the landlord, the respondent- tenant would have been bound to comply with the said direction and would have been liable to be evicted on account of non-compliance in view of law laid down in **Meera Devi's case (supra)** relied upon by learned counsel for the petitioner. However, since no such direction was issued by the Rent Controller, which it ought to have issued, no eviction can be ordered as respondent has not disobeyed any order of the Court.

Moreover, a party cannot be made to suffer on account of mistake of the Court and



since no direction was issued to deposit the future rent, the tenant thus did not deposit the same and he cannot be held at fault.

7. Resultantly, finding no merit in the revision petition, the same is hereby dismissed.

(Yashvir Singh Rathor)
Judge

March 18, 2026
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No