



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

108

LPA No.1240 of 2026 (O&M)

Date of Decision: 04.05.2026

RAMPHAL (SINCE DECEASED) THROUGH HIS LRS

.....Appellants

Versus

THE FINANCIAL COMMISSIONER, REVENUE DEPARTMENT
HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Rahul Deswal, Advocate,
for the appellants.

HARSIMRAN SINGH SETHI, J. (Oral)

CM-3036-LPA-2026

This is an application seeking condonation of delay of 09 days
in re-filing the appeal.

For the reasons stated in the application, the same is allowed
and delay of 09 days in re-filing the appeal is condoned.

CM-3035-LPA-2026

This is an application seeking condonation of delay of 10 days
in filing the appeal.

For the reasons stated in the application, the same is allowed
and delay of 10 days in filing the appeal is condoned.

CM-3037-LPA-2026

Application is allowed as prayed for.

Main Appeal

1. In the present appeal, the challenge is to the impugned



judgment dated 19.08.2025 passed by the learned Single Judge, by which, the writ petition filed by the appellants challenging his eviction from the land in question has been dismissed as well as the order dated 30.01.2026, by which, even the review against the said judgment, has been dismissed.

2. Learned counsel for the appellants at the outset submits that the argument which has been considered by the authorities so as to pass the order of eviction is that the appellants failed to pay the batai/rent since the crop kharif 1986 whereas, the rent for kharif 1985 upto rabi 1987 was sought to be paid in the year 1989, which was declined by the land owner and the said fact has been ignored by all the authorities including the learned Single Judge. Hence, once the rent was offered and not accepted, the same will not amount to payment of the rent so as to allow the eviction of the tenant.

3. We have heard the learned counsel for the appellants and have gone through the record with his able assistance.

4. At the outset, it may be noticed that in the year 1993, in terms of the eviction, the possession was already taken by the owners and for the last 33 years, the appellants are not in the possession of the land, which was supposed to be in their possession as tenants.

5. Now, the argument raised by the learned counsel for the appellants is that the appellants tried to pay the rent of kharif 1985 upto rabi 1987 in the year 1989. It may be noticed that the said argument is being raised by treating three years rent as one unit, rather than each default which has been committed by the appellants contrary to a period of three years. From kharif 1985 to rabi 1987 there are six crops and as per the law, the rent has to be paid after every crop and the tenant can only be allowed the payment subsequently in case, there is a sufficient ground for non-payment.

Hence, as per the settled principle of law settled by Hon'ble the Supreme



Court of India which has been noticed by the learned Single Judge in the order itself, one default is good enough to order the eviction and in the present case, it is a conceded position that for six crops, no rent was paid. Even if, it is to be accepted that in 1989, the appellants offered to pay the rent, the same will not condone the delay or nullify/negate the default in payment of rent by the appellants. Once, the default for the six crops was there which is a conceded fact, the order passed by the authorities, which has been upheld by the learned Single Judge directing the eviction of the appellants from the property in question, cannot be treated as a perverse either on facts or on law. Hence, no ground to interfere is made out.

- 6. No other argument has been raised.
- 7. The present appeal is dismissed accordingly.
- 8. Order passed in open Court. No other arguments raised.
- 9. Miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

04.05.2026
sandeep

Whether Speaking/Reasoned : Yes
Whether Reportable : No