

2026:PHHC:078427-DB



**CM-3337-LPA-2026 in/and
LPA-2205-2025
Date of decision : 19.05.2026**

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

CM-3337-LPA-2026

For the reasons mentioned in the application, same is allowed and amended memo of parties is taken on record.

1. Present appeal has been filed against the order dated 09.04.2025 passed by learned Single Judge in CWP-411-2017, whereby challenge was raised against the eviction proceedings, which were finalized against the appellants so as to evict them from land in question due to the non-payment of the rent. Keeping in view the fact that there was a default on the part of the appellants in depositing rent for the years 2007-2010, the authority held that

the default, which is for more than one block and despite the fact that an opportunity was given to the appellants to deposit the same, yet the same was not deposited, and consequently, the order of eviction was passed which was challenged before the higher revenue authorities and then before the learned Single Judge.

2. Learned Single Judge after appreciating all the facts came to the conclusion that though the factum qua the default in payment of rent was conceded, but the contention that an application was made on 15.09.2009 for deposit of rent, which was not accepted, will not come to the rescue of the appellants herein as, even after said letter to pay the rent was made, various opportunities were given to deposit the outstanding rent, which opportunities were not availed and keeping in view the said aspects, the order of eviction passed by revenue authorities, was upheld by learned Single Judge.

3. Against the said order passed by learned Single Judge, present LPA has been filed on the ground that the appellants were ready to deposit the amount all along, but the same was not accepted, which fact has been wrongly appreciated by learned Single Judge. Notice of motion was issued in the present appeal and operation of the judgment of learned Single Judge was stayed.

4. Today, learned counsel for the appellants was asked whether from the date interim order was granted i.e. on 31.07.2025 in their favour, any outstanding rent has been paid by the appellants or not. Learned counsel after getting the information from the appellants submitted that no rent is has been deposited even now.

5. We have heard the learned counsel for the parties and have gone

through the record with their able assistance.

6. The fact which has been noticed by the learned Single Judge which has gone un-rebutted is that proceedings for eviction of appellants from land in question were initiated against the appellants for eviction for non-payment of the rent from the year 2007 onwards till 2010. A notice was served upon the appellants and despite issuance of such notice, whereby one month's time was given in September 2012 to deposit the rent, but the same was not even deposited then. Even after November, 2012, three more opportunities were given to appellants to deposit the outstanding rent which the appellants failed to do, which resulted into passing of the order of eviction dated 24.12.2021.

7. Learned counsel for the appellants has not been able to dispute/rebut the said factual position. That being so, keeping in view the settled principle of law noticed by the learned Single Judge in paragraph No.7 of the impugned order, once there is a default in payment of rent, which is a conceded fact, any subsequent application made, that too without payment of such outstanding rent will not condone the act of non-payment of rent and an eviction order can be passed on said ground of non-payment. Learned counsel for the appellants has only raised one argument before this Court in appeal that an application was made by the appellants on 15.09.2009 for depositing the rent, but the same was not accepted.

8. It may be noticed that the said argument has to be tested on the basis of the totality of the facts and the eagerness of the appellants to deposit the same. It has already come on record that in September/October, 2012 which is much after the request made by the appellants by way of application to deposit the outstanding rent, several opportunities were given to the appellant

deposit the same, but the opportunity was not availed. Thereafter, three more opportunities were given during the pendency of the eviction proceeding to deposit the rent which amount of outstanding rent was not cleared. Not only this, in the present appeal, the prayer was that the appellants were ready to deposit the rent but the same was not being accepted. Despite passing of one year, no rent has been paid yet. Today before the hearing, learned counsel was asked whether the rent has been deposited and the answer after getting the instructions from the appellants is in negative.

9. Keeping in view the totality of the circumstances, when the situation is such that required outstanding rent has not been paid even upto now and no such payment has been made even after getting an interim order in their favour in the present appeal, this clearly shows that the intention is only to retain the land without payment of the same, which cannot be allowed.

10. Learned counsel for the appellants submits that in the year 2018, the amount for rent was deposited, qua said argument it should be noted that same would not have condoned the delay at hands of appellants in depositing the amount as rent is to be deposited for every block and any default in payment of rent in a block will lead to eviction from land in question as per the settled principle of law. Further, on being asked to show anything on record that from 2018 onwards, any amount has been deposited qua outstanding rent, no such evidence has been brought on record.

11. The order was dictated in the presence of the learned counsel for the parties, no other argument was raised.

12. In view of the above, as the learned counsel for the appellants has not been able to show that the order passed by the authorities upheld by the

learned Single Judge are perverse to the facts on record or any settled principle of law, no ground is made out for interference.

13. The appeal stands dismissed.
14. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

19.05.2026
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Whether speaking/reasoned :	Yes
Whether Reportable :	No