

(2008) 01 P&H CK 0049

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Shamsher Singh @ Ladda

APPELLANT

Vs

Manjit Singh

RESPONDENT

Date of Decision: Jan. 7, 2008

Citation: (2009) 1 CivCC 151 : (2008) 152 PLR 448 : (2008) 1 RCR(Rent) 295

Hon'ble Judges: S.D. Anand, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

S.D. Anand, J.

The fact that there is relationship of landlord and tenant between the parties is beyond the pale of controversy. The parties joined issue on point of rate of rent payable for the premises in dispute under reference. The petitioner-tenant averred that the rent payable was @ Rs. 300/- per month; while the landlord-respondent averred that the rent was Rs. 800/- per month. Learned trial Court recorded a finding that the rent was payable @ Rs. 800/- per month. The learned Rent Controller further found that the tender of rent for a period of only five months was not proper.

2. Learned Appellate Authority reversed the finding on point of rate of rent and held that the rent payable was @ Rs. 300/- per month. However, it was held that the petitioner-tenant was in arrears of rent for a period of 21 months w.e.f. 1.7.1995 after the date of filing of the application dated 9.4.1997. As the rent had been tendered for five months only i.e. from 18.3.1997 to 18.7.1997, the order of ejectment was upheld.

3. The learned Counsel for the petitioner argued that there is no adequate material on the file to prove that the tenant-petitioner was in arrears of rent for the period from 18.3.1997 to 18.7.1997.

4. The plea is completely bereft of merit. The learned trial Court noticed that the petitioner-tenant had not been able to discharge the onus providing that he had paid rent for the period prior to 18.3.1997. It is also noticed that the petitioner/tenant had conceded as RW1 that the landlord-respondent had been issuing rent receipt but no such rent receipts are forthcoming on the record. It was under those circumstances that the learned Appellate Authority affirmed the finding of ejectment on account of inefficient tender.

5. Learned Counsel for the petitioner-tenant has not been able to persuade me to fault the impugned finding on any valid count.

6. The petition shall stand dismissed accordingly.

7. The tenant-petitioner shall be liable to vacate the premises within a period of one month from today.