

(2010) 12 P&H CK 0471

High Court Of Punjab And Haryana At Chandigarh

Case No: C.R. No. 7409 of 2010

Ranjit Saini

APPELLANT

Vs

Narinder Kumar Jain and Others

RESPONDENT

Date of Decision: Dec. 7, 2010

Hon'ble Judges: Alok Singh, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Alok Singh, J.

Tenant has invoked revisional jurisdiction of this Court challenging the order dated 16.9.2009 passed by Rent Controller, Karnal and order dated 17.7.2010 passed by Appellate Authority, Karnal whereby eviction petition filed by the land-Respondent was allowed and tenant-Petitioner was directed to be evicted from the property in dispute.

2. Landlord has filed eviction petition on the ground that tenant is in arrears of rent w.e.f. 1.4.2006 and has not paid rent despite of repeated demands. Learned Rent Controller vide order dated 16.9.2009 has directed tenant to deposit or to pay entire arrears within a period of two months from the date of passing order after placing reliance on the judgment of Apex Court in the matter of Rakesh Wadhawan and Ors. v. Jagdamba Industrial Corporation and Ors. 2003(2) CCC 361 (SC).

3. C.R. No. 7409 of 2010 From the perusal of record, it seems that tenant-Petitioner has not paid/deposited the arrears in compliance of judgment dated 16.9.2009.

4. Learned Appellate Authority has observed that Rent Controller was well within its jurisdiction while directing the tenant to deposit the arrears within such time as directed by the Rent Controller since no provisional rent was ever assessed. Perusal of the record shows that tenant has not made compliance of the judgment passed by Rent Controller. Hence, in view of the judgment of the Apex Court in the matter of Rakesh Wadhawan (supra) tenant is liable to be evicted.

5. No interference is called for in the impugned judgment.

6. Dismissed.