

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 2940 of 2015 (O&M)
Date of Decision: 30.4.2015.**

M/s Deep Motor Finance Pvt. Limited

.....Petitioner

Versus

Parshotam Dhir and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.S.Khosla, Senior Advocate with
Mr. Aman Sharma, Advocate
for the petitioner.

SABINA, J.

Respondents had filed the petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 ('Act' for short) seeking ejectment of the petitioner. Learned Rent Controller vide order dated 22.4.2013 allowed the ejectment petition. Aggrieved against the said order, petitioner preferred an appeal and the same was dismissed by the Appellate Authority vide judgment dated 24.2.2015. Hence, the present petition by the petitioners-tenant.

Learned senior counsel for the petitioner has submitted that in fact, petitioner was ready to deposit the arrears of rent on 22.4.2013 and an application had been moved for permission to deposit the arrears of rent but the learned Rent Controller had passed the eviction order on 22.4.2013.

Respondents had sought ejectment of the petitioner by filing petition under Section 13 of the Act. Vide order dated

12.3.2013, learned Rent Controller assessed the arrears of rent, interest and costs to the tune of ₹ 33,387/- and the case was adjourned to 22.4.2013 for payment of arrears of rent. A perusal of the order dated 22.4.2013 passed by the learned Rent Controller, reveals that the case was called from time to time from 10.20 A.M. onwards and was lastly called at 3.55 P.M. At 10.20 A.M., junior counsel appeared before the learned Rent Controller and stated that an adjournment be granted. The learned Rent Controller advised the counsel to seek instructions from his senior as no adjournment could be granted for tender of provisional rent. The case was again taken up after lunch at 3.30 P.M. but the junior counsel again requested for an adjournment. The learned Rent Controller again advised them to seek instructions from their senior. When the case was called at 3.55 P.M., none appeared on behalf of the petitioner and, consequently, the eviction order was passed as arrears of rent, as provisionally assessed vide order dated 12.3.2013, had not been deposited.

Although, application Annexure P-3 for seeking permission to deposit the arrears of rent is available on record but the said application was not required to be filed by the petitioner. Petitioner was, in fact, required to deposit the arrears of rent on 22.4.2013. The case had been fixed for deposit of arrears of rent as provisionally assessed by the Court vide order dated 12.3.2013. There is no reason to doubt the order passed by the learned Rent Controller dated 22.4.2013. Rather, as per the said order, it is evident that the learned Rent Controller had been asking the counsel appearing on behalf of the petitioner to tender the arrears of rent. In these circumstances, the learned Appellate Court rightly

dismissed the appeal filed by the petitioner as the petitioner had failed to tender the arrears of rent on the date fixed and left with no other alternative, the learned Rent Controller was bound to pass the eviction order.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

April 30, 2015
Gurpreet