

220

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

CR No.623 of 2013 (O&M)

Date of decision: March 09, 2015

Sumeet Kumar Babbar @ Suman Kumar Babbar

.....Petitioner

Versus

Mannat Bir Singh Mann

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sharan Sethi, Advocate
for the petitioner.

Mr. Raman Sharma, Advocate
for the respondent.

SABINA, J

Respondent had sought ejectment of the petitioner on the ground of non-payment of rent. The said petition was allowed by the Rent Controller vide order dated 03.08.2011. The said order was upheld by the Appellate Court vide order dated 15.12.2012. Hence, the present petition.

I have heard learned counsel for the parties and have gone through the record available on the file carefully.

In the present case, respondent had sought ejectment of the petitioner on the ground of non-payment of rent. The Rent Controller determined the provisional rent vide order dated 09.05.2011 and the petitioner was directed to deposit the same on 03.08.2011. However, on the adjourned date, petitioner had failed to deposit the arrears of rent as provisionally assessed by the Rent Controller vide order dated 09.05.2011. In these circumstances, learned Rent Controller had rightly ordered the ejectment of the petitioner.

Before the Appellate Court, petitioner had taken the plea that he had handed-over the amount in question to his counsel, but his counsel without his knowledge and consent had moved an application for extension of time to deposit the arrears of rent. The learned Appellate Court had rightly discarded the said plea as in the application for extension of time for making the tender it had been pleaded by the petitioner that his close relative had died and his entire family had gone to attend the funeral. Thus, the petitioner had taken contradictory pleas. Since the petitioner had failed to tender the arrears of rent on the date fixed before the Rent Controller, the Rent Controller had no other option, but to allow the ejectment petition.

During the course of arguments, it has transpired that the petitioner had been dispossessed of the premises in question and has presently taken some other premises on rent.

In view of above mentioned facts, no ground for interference by this Court, is called for.

Dismissed.

**(SABINA)
JUDGE**

March 09, 2015

m.singh