



129 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-141-2024 (O&M)

Date of decision : 03.04.2025

Mohinder Singh

...Petitioner

Vs.

Deepak Singla

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aakash Singla, Advocate
Mr. Ankush Singla, Advocate
for the petitioner.

Mr. Arihant Jain, Advocate
Mr. Kanish Jindal, Advocate
for the respondent.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner herein is a tenant. He has been ordered to be evicted by the Rent Controller which in appeal has been affirmed by the Appellate Authority on the ground that he has failed to pay the rent as provisionally assessed by the Rent Controller.

2. Learned counsel representing the petitioner contends that as per Section 25(5) of the Punjab Rent Act, 1995, (hereinafter referred to as '1995 Act ') the tenant's defence can be struck off for failure to pay the rent assessed by the Rent Controller. However, it does not provide for consequent order of eviction. He further submits that the judgment passed by the Hon'ble Supreme Court in 'Rakesh Wandhawan vs. M/s. Jagdamba Industrial Corporation', AIR 2002 SC 2004 is with respect to the interpretation of the provisions of East Punjab Urban Rent Restriction Act, 1949, which shall not be applicable to



the proceedings under the Punjab Rent Act, 1995.

3. *Per contra*, learned counsel representing the respondent submits that the petitioner has failed to make the payment @ Rs. 50,000/- per month from 01.10.2020 and hence, he cannot be permitted to continue in possession.

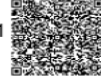
The rent petition is required to be decided in accordance with law. The judgment passed in *Rakesh Wandhawan's case* (supra) is interpreting the provisions of '1949 Act' and not '1995 Act'.

4. At this stage, learned counsel representing the respondent submits that the petitioner defence is required to be struck off as per Section 25(5) of the 1995 Act. He submits that he should be permitted to lead evidence while granting the petitioner an opportunity to cross-examine the witness while directing the Rent Controller to conclude the proceedings within 01 month.

5. In the opinion of this Court, the suggestion given by learned counsel representing the respondent appears to be a practical solution to the issue.

6. Keeping in view the aforesaid facts, the impugned order dated 03.05.2023 passed by the Rent Controller which in appeal has been affirmed by the Appellate Authority vide order dated 30.10.2023 are set aside while directing the Rent Controller to permit the landlord (respondent herein) to lead evidence. Since the defence of the petitioner for failure to pay the rent has been struck off, hence, he shall only be granted opportunity to cross-examine the witnesses. The Rent Controller is directed to conclude the proceedings within one month from the date of appearance of the parties.

7. The parties through their counsel are directed to appear before the



Rent Controller on 15.04.2025.

8. The revision petition is disposed of.
9. All the pending miscellaneous applications, if any, are also disposed of.

03.04.2025

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No