

(1980) 07 P&H CK 0015
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 2398 of 1979

Sudarshan Kumar

APPELLANT

Vs

Shri Kesar Mal

RESPONDENT

Date of Decision : 15-07-1980

Acts Referred:

Citation : (1980) 2 RCR(Rent) 223

Hon'ble Judges : M.R. Sharma, J;Bhupinder Singh Dhillon, J

Bench : Division Bench

Advocate : H.L. Sarin for Mr. M.L. Sharma and Mr. R.L. Sarin, for the Appellant;
G.R. Majithia, for the Respondent

Judgement

B.S. Dhillon, J.—The facts of this case are not disputed. In application for ejectment, the landlord averred that he did not vacate the premises after the commencement of the East Punjab Urban Rent Restriction Act, 1949, (hereinafter referred to as the Act), without sufficient cause. This specific averment in the petition was not specifically denied in the written statement. It is well settled that if a specific averment made is not specifically denied, it is deemed to be impliedly admitted and if there is admission on the record it is not necessary for the parties concerned to still lead other evidence to prove the facts so alleged. Reference in this connection may be made to the decision of their Lordships of the Supreme Court in Badat and Co. Vs. East India Trading Co., . In the present case, a specific averment made was not specifically denied in the written statement. In this view of the matter, there is no merit in the contention raised on behalf of the Petitioner that since the landlord did not mention in his oral statement that he had not vacated the premises after the commencement of the Act, without sufficient cause and, therefore, the ejectment could not be ordered.

For the reasons recorded above, there is no merit in this petition and the same is hereby dismissed with no order as to costs. The premises in question may be vacated within a month from today provided the rent up-to-date is deposited within a week from today. If the rent is not deposited within the stipulated

period, the execution proceedings shall proceed in accordance with law.