

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

CR No.1230 of 2015
Date of Decision:20.02.2015

Rajesh Kumar Sharma

. . . . Petitioner

Vs.

Narinder Kumar @ Lally

. . . .Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Parveen Kumar Garg, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has challenged the order dated 13.1.2015
by which the Rent Controller has assessed the provisional rent.

In brief, the respondent has filed an application for
ejectment against the petitioner in respect of the shop in dispute.
The relationship of landlord and tenant is not disputed as the
tenant has admitted the execution of rent note in respect of the
demised premises. The landlord has claimed that the tenant has
not paid the rent w.e.f. 20.11.2002 whereas the tenant has pleaded
that he has paid the rent upto the month of October 2012. The
Rent Controller has observed that it is the duty of the tenant to
prove the payment of rent and since he has failed to bring any
evidence, much less receipt, on record that he has made the
payment w.e.f. 20.10.2004, therefore, the provisional rent was
assessed in terms of the impugned order.

Learned counsel for the petitioner has submitted that
though the landlord has admitted that the rent has already been

paid upto 20.10.2004 but he would not have waited for such a long period thereafter if the rent had not been paid, therefore, the Rent Controller has erred in observing that the petitioner has failed to bring on record the evidence of the payment of rent from 20.10.2004 onwards.

After hearing leaned counsel for the petitioner and perusing the available record, I am of the concerned opinion that there is no error in the order of the learned Rent Controller. The relationship of landlord and tenant is not denied and there is no evidence, much less *prima facie*, produced by the tenant that he had paid the rent after October 2004 and in the absence thereof, at the stage of assessment of provisional rent, the Rent Controller has rightly asked the tenant to pay the rent to avoid the order of ejectment.

In view thereof, I do not find any merit in the present revision petition and the same is hereby dismissed.

20.02.2015*Vivek***(RAKESH KUMAR JAIN)
JUDGE**