

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1204 of 2005

Date of decision: 21.10.2015

Haryana Khadi Mandal, Bhiwani

..... Petitioner

Versus

Vijay Singh and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Ms. Kamalpreet, Advocate for the petitioner.

Mr. Arjunveer Sharma, Advocate for
Mr. Amit Jain, Advocate for respondent No.1.

ARUN PALLI, J. (Oral)

Vide order being assailed dated 17.01.2005, rendered by the Rent Controller, Fatehabad, application moved by the respondent-landlord under Section 5 of the Haryana Urban (Control of Rent & Eviction) Act, 1973, for revision of fair rent had since been accepted. As a result, revised fair rent of the premises was fixed at ₹18562/- from the date of application i.e. 3.12.2001. Though, initially vide order dated 3.3.2005, operation of the order dated 17.01.2005 was stayed, but subsequently, the application for stay i.e. C.M. No.4996-CII of 2005 was dismissed by this Court on 8.5.2006, consequently, the petitioner-tenant had been depositing the rent at the rate of ₹18,562/-.

Having argued the matter at some length, learned counsel for the parties are *ad idem* that as revised fair rent was not assessed by the Rent

Controller in sync with the ratio of law laid down by the Division Bench of this Court in *Yoginder Mohan Vs. Krishan Lal, reported as 2000-1 Volume CXXIV PLR 738*, the matter requires to be remitted for decision afresh.

That being so, the petition is allowed and the order dated 17.01.2005, rendered by the Rent Controller, Fatehabad is set aside. The matter is remitted to the Rent Controller to re-decide the application moved by the respondent, strictly in accordance with law and the decision rendered by the Division Bench in Yogender Mohan (supra).

Needless to assert, this order shall not constitute any expression of opinion on merits of the claim of either party. Parties shall appear before the Rent Controller on 16.11.2015.

October 21, 2015

Manoj Bhutani

**(ARUN PALLI)
JUDGE**