

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 1463 of 2014 (O&M)
Date of Decision: 20.4.2015.

Manoj Kumar

.....Petitioner

Versus

Harish Chander

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.K.Singla, Advocate
for the petitioner.

Mr. Rajan Bansal, Advocate
for the respondent.

SABINA, J.

Petitioner has filed this petition challenging the order dated 30.11.2013 whereby provisional rent was fixed by the Rent Controller.

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

Petitioner has filed petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 seeking ejectment of the respondent. During the pendency of the petition, respondent moved an application for assessment of provisional rent. The case of the respondent was that initially, rate of rent had been fixed at ₹ 2,000/- per month but later it was increased to ₹ 2500/- per month. Respondent also placed on record rent receipts to substantiate his plea that the rate of rent was ₹ 2500/- per month.

On the other hand, petitioner placed on record the agreement dated 22.8.1994 (Annexure P-1) to substantiate his plea that the rate of rent had been fixed at the rate of ₹ 2500/- per month for five years and thereafter, the tenant was required to pay the increased rate of rent as per Annexure P-1. Respondent, on the other hand, denied the execution of Annexure P-1.

At this stage, parties are yet to lead their evidence in support of their respective pleas. Vide the impugned order, the learned Rent Controller has merely assessed the provisional rent. In case the learned Rent Controller comes to the conclusion after the parties lead their evidence that the rent is liable to be paid as per Annexure P-1, the rate of rent can be assessed accordingly. However, at this stage, provisional rent has been assessed by the learned Rent Controller as per the plea taken by the respondent and the rent receipts placed on record by the respondent.

Hence, in the facts and circumstances of the present case, no ground for interference by this Court is made out.

Dismissed.

However, anything observed above will have no bearing on the merits of the case.

**(SABINA)
JUDGE**

April 20, 2015
Gurpreet