

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.1863 of 2015(O&M)
Date of Decision : 17.3.2015

Swarn Kumar Sandhir

.....Petitioner

Versus

Lakhbir Singh

.....Respondent

CORAM:- HON'BLE MR. JUSTICE GURMIT RAM

Present: Mr. B.S. Saini, Advocate for the petitioner.

GURMIT RAM, J.

This revision petition is directed against the order dated 10.11.2014 (Annexure P-1) at the instance of the petitioner-tenant vide which the learned Rent Controller had dismissed the application of the petitioner-tenant (Annexure P-2).

2. The facts in brief pertaining to the background of this revision are that the respondent – landlord has filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (in short – 'the Act') seeking ejectment of the petitioner – tenant from the premises in dispute. In this petition, the present petitioner – tenant was served and appeared. He filed a written statement denying the relationship of landlord and tenant between the parties. In this situation, the learned Rent Controller came to the conclusion that there is no need to assess any provisional rent since the principles of case law **Rakesh Wadhawan Versus Jagdamba Industrial Corporation and ors, 2002(5) SCC 440** are

not applicable in this case.

Then the present petitioner-tenant filed an application before Rent Controller with the prayer that either the tender amount of Rs.80,000/- be ordered to be paid to the respondent/landlord or be ordered to be deposited in the Court. This application was declined by the learned Rent Controller vide the impugned order (Annexure P-1).

3. The petitioner – tenant being dissatisfied with this order has come up with the instant revision petition.

4. I have heard the learned counsel for the petitioner.

5. Learned counsel for the petitioner has admitted that the petitioner – tenant has denied the relationship of the landlord and tenant between the parties in his written statement. He has referred to some previous litigation which took place between the parties qua the demised premises, but the same is not relevant to adjudicate the matter in controversy at present. Since the relationship of landlord and tenant is denied by the petitioner – tenant, then the learned Rent Controller was right in not assessing the provisional rent. Further there was no need for the Rent Controller to issue direction to the respondent – landlord to accept the rent amount. However, vide impugned order (Annexure P-1), the petitioner – tenant was permitted to deposit the above-said amount of Rs.80,000/- (alleged rent) at his own risk and responsibility without causing any prejudice to the rights of the respondent (landlord).

6. In view of the above discussion, there is no illegality or any infirmity in the impugned order. So, this revision is held to be devoid of any merit and as such the same stands dismissed and disposed

of accordingly.

17.3.2015

Brij

(GURMIT RAM)

JUDGE

1. To be referred to the Reporters or not? Yes
2. Whether the judgment should be reported in the Digest? Yes