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

CR No.2335 of 2015 (O&M)

Date of decision: May 25, 2015

Smt. Paramjit Kaur

.....Petitioner

Versus

Usha Rani

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Varun Jain, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the orders dated 25.07.2014 and 02.12.2014.

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

Respondent has sought ejectment of the petitioner by moving petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949. Vide order dated 25.07.2014, provisional rent was assessed by the Rent Controller.

Learned counsel for the petitioner has submitted that the petitioner is not challenging the rate of provisional rent assessed by the Rent Controller, but the provisional rent be not disbursed to the respondent as she had submitted an affidavit in earlier litigation that she was not the owner of the premises in question.

Sushil Rana had earlier filed ejectment petition against the petitioner. In the said proceedings, Usha Rani submitted an affidavit that shop in question had fallen to the share of her son Sushil Rana. However, the ejectment petition filed by Sushil Rana was, admittedly, dismissed as he had failed to establish the relationship of landlord and tenant between the parties. In the present proceedings, Sushil Rana has placed on record his affidavit that since he had failed to prove the family partition set up by him in the eviction petition, his mother was the owner of the premises in question and was entitled to receive the rent and house tax. In view of the above fact, the Courts below rightly held that the respondent was entitled to receive the provisional rent.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

May 25, 2015

m.singh