

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CR 2367 of 2015

Date of decision:- 6.4.2015

Surinder Singh

Petitioner

vs.

Ajay Jagdish Kapoor

Respondent

Present: Mr.VK Sandhir, Advocate.

M.M.S.BEDI,J.

This is a tenant's revision petition against order dated 24.5.2013 passed by the Rent Controller, provisionally assessing the rent @ Rs.350/- w.e.f. 14.6.2010 till the date of passing of the order. The cost and interest has also been assessed by the Rent Controller.

Counsel for the petitioner has vehemently contended that sufficient material in the shape of ledgers has been placed on record to establish that the petitioner- tenant has already paid the rent to one of the co-owners/ landlord of the premises but the Rent Controller, in the absence of any receipt has prima facie not believed the ledgers and assessed the amount of rent.

I have heard counsel for the petitioner and gone through the impugned order and considered the controversy involved and I am of the opinion that the order determining the provisional rent is an interim order, not finally determining the rights of the parties. It is always subject to the final adjudication of the rival claims of the parties. Nothing mentioned in the impugned order dated 24.5.2013 would effect the rights of the tenant-petitioner to establish that he has already paid the amount by producing cogent evidence during the course of proceedings. No ground is made out to interfere in the impugned order determining the provisional rent.

Dismissed.

Counsel for the petitioner does not press for the second prayer with liberty to move an application for extension of time to deposit the provisional rent. It will be open to the petitioner to avail the said remedy, if permitted under law.

March 6 ,2015

(M.M.S.BEDI)
JUDGE

