

**CR-2611-2015 (O&M)**

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

**CR-2611-2015 (O&M).  
Decided on: April 20, 2015.**

**Aslam**

**..... Petitioner(s)**

**Versus**

**Sukhpal Kaur**

**..... Respondent(s)**

**\* \* \***

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

**PRESENT Mr.Harshit Jain, Advocate,  
for the petitioner.**

**M.M.S. BEDI, J (ORAL).**

Whether the rent claimed by the landlord-respondent is Rs.2000/- per month or Rs.1200/- per month appears to be the controversy which has been raised by the tenant-petitioner challenging the order dated 4.3.2015 passed by the Rent Controller assessing the provisional rent.

Counsel for the petitioner-tenant has vehemently contended that the landlady-respondent had filed an earlier application for ejectment i.e. rent petition No.52 of 10.5.2012, on the ground of non-payment of rent. Rent Controller, Malerkotla, vide order dated 23.7.2013 had assessed the rent provisionally @ Rs.1200/- per month against the claim of the respondent of rent @ Rs.2000/- per month.

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I have considered the contention of the learned counsel for the petitioner and carefully gone through the ejectment application filed by the respondent. The claim of the respondent in her ejectment application on the ground of non-payment of rent and personal necessity is that the petitioner had taken shop in question on rent @ Rs.1500/- per month. The tenancy was oral but about 2½ years ago the rent was enhanced with mutual consent to Rs.2000/- per month as per the market rate and the rate of rent at the time of filing of the petition was Rs.2000/- per month . The respondent has also mentioned in para 10 of the petition that in earlier rent petition provisional rent was assessed @ Rs.1200/- per month.

A perusal of the order passed in earlier ejectment petition dated 23.7.2013 indicates that the same plea had been taken regarding rate of rent by the respondent but the Rent Controller in its wisdom has neither agreed to the initial rate of rent @ Rs.1500/- per month nor accepted the plea that it had been enhanced to Rs.2000/- per month but provisionally fixed the rate of rent as Rs.1200/- per month as said rent had been agreed by the tenant-petitioner. In the second petition Rent Controller has considered the same controversy regarding the rate of rent and assessed the provisional rent @ Rs.2000/- per month. It is observed that it is the discretion of the Rent Controller to fix the provisional rate of rent which is always subject to final adjudication. On the question of rate of rent @ Rs.1200/- per month, if the respondent is not able to establish the

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rate of rent having been enhanced to Rs.2000/-per month besides house tax, it will always be open to the petitioner-tenant to seek recovery. The scope of interference in the order assessing provisional rent in revision petition is meagre.

The order assessing rate of rent provisionally can be interfered only if the same appears to be absolutely necessary and absurd on the face of rival claims of the parties. In the present case the circumstances do not warrant interference in the assessment made. Besides it, the landlord has not concealed the earlier order dated 27.7.2013 which has been specifically mentioned in the second ejectment petition.

The petition is dismissed without prejudice to the above said rights of the petitioner-tenant.

**April 20, 2015.**  
**rka**

**(M.M.S. BEDI)**  
**JUDGE**