

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

(219)

CM Nos.24549 & 24550-CII of 2014 in
CR No.2910 of 2013
Decided on: July 17, 2015.

Shyam Kumar Grover

.... Petitioner

Versus

Rajinder Kumar

..... Respondents

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

Present: Mr. Ajay Pal Singh Rehan, Advocate,
for the applicant-petitioner.

None for the respondent.

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

Perusal of the record indicates that this petition has been filed by the tenant against the order dated 25.03.2012 passed by the Rent Controller, determining the provisional rent @ Rs.1,000/- per month whereas the claim of the petitioner is that rate of rent was Rs. 300/- per month.

The payment of arrears of provisional rent beyond the rate of Rs.300/- per month was stayed vide order dated 07.05.2013.

The order of determination of provisional rent is an appealable order, as per the judgment of Supreme Court in **Harjit Singh Uppal Vs. Anup Bansal 2011 (3) RCR (Civil) 247.**

This petition is prima facie not maintainable.

The revision was dismissed for non-prosecution on 06.05.2014 and was restored on 27.05.2014. It was again dismissed for non-prosecution on 26.08.2014. Thereafter, restoration application had been filed which is

pending since November, 2014. The application for condonation of delay is allowed. Restoration application is also allowed. Revision petition is taken up for hearing and it is dismissed for the above said reasons being not maintainable. In case so devised, petitioner may avail the remedy of appeal under Section 15 (1) (b) of the East Punjab Urban Rent Restriction Act, 1949.

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

July 17, 2015
harsha