

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 5263 of 2015

DATE OF DECISION : August 18, 2015

Jagdish Chand & anr.

..... PETITIONER(S)

VERSUS

Harbans Lal & anr.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ashok Bhardwaj, Advocate, for the petitioners.

ARUN PALLI, J. (Oral)

Vide order being assailed, dated 08.05.2015, rendered by Rent Controller, Nabha, provisional rent at the rate of ₹450/- per month has been assessed qua the shop in question.

The case set out by the landlord was that initially the rate of rent was ₹300/- per month, which was subsequently increased, and in the year 2000, the rate of rent was ₹1,200/- per month. In the year 2009, rent was further enhanced to ₹1,800/- per month. And respondent-tenant paid the rent up to February, 2010, at the rate of ₹1,800/- and not thereafter. On the contrary, respondent-tenant maintained that the rent was ₹450/- per month only. Something, that was evident from the assessment register of the Municipal Corporation and he has been depositing the said rent.

Controller concluded, as thus:-

“2. Admittedly the tenancy was oral coupled with possession, no rent receipt is there on record to show that the rate of rent was Rs.1800/-, and moreso the petitioner had not proved on record any other document from which the rate of rent can be ascertained, as such the rate of rent, as taken by the respondent is taken into account for assessment of the provisional rent, i.e. Rs.450/- and the time period as stated by the landlord is taken for assessment of provisional rent. However as the respondent had produced copy of the receipt of the payment of the house tax, as such at this stage, house tax is not assessed.

Provisional rent is assessed as under.

Time period (From 01-03-2010 to 30-04-2015) = 62 months

Rate of rent Rs.450/-	= (62 X Rs.450)	Rs.27900/- (I)
Interest @ 6%	$\frac{\{(27900 \times (62+1))\}}{400}$	Rs. 4394/- (II)
Cost	Rs.1000/-	(III)

Total amount payable on the next date of hearing

(I) + (II) + (III)	Rs.33,294/-
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The applications stands disposed of. Be tagged. To come up on 15.07.2015 for making payment of the provisional rent.”

Ex-facie, the tenancy is oral. Nothing was brought on record to show that the respondent-tenant ever paid rent at the rate of ₹1,800/- per month. In the absence of any cogent material, petitioners could not claim that the rent of the premises, with effect from year 2009, was enhanced to ₹1,800/-

per month.

Learned counsel for the petitioners could not point out as to how the conclusion arrived at by the Rent Controller was either contrary to the position on record or was erroneous in law.

That being so, no interference is warranted in exercise of revisional jurisdiction under Article 227 of the Constitution of India. Petition being devoid of merit is, accordingly, dismissed in limine.

AUGUST 18, 2015
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(ARUN PALLI)
JUDGE