

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 7046 of 2015
Date of decision : October 19, 2015

Bhupinder Singh

..... Petitioner

Versus

Partej Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. G. S. Sandhu, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

Learned counsel for the petitioner submits that in a petition seeking eviction of the respondent, an application for assessment of the provisional rent has been dismissed on the ground that the respondent-tenant has denied the relationship of landlord and tenant but the fact remains that there was an oral agreement to sell for which the suit for specific performance is stated to be pending.

He submits that the rent agreement dated 17.3.2004 (Annexure P-1) which is part of the record, has not been discussed. The Rent Controller was enjoined upon an obligation to refer, rely and pass order thereon.

I have heard learned counsel for the petitioner and

appraised the paper book.

I have seen the impugned order. It does not reflect reference to the rent agreement. It is a settled law that once the relationship of landlord and tenant is denied, the Rent Controller is not enjoined upon an obligation to assess provisional rent but the fact remains that denial of relationship is only on account of alleged oral agreement to sell dated 30.4.2004 which the respondent-tenant has sought to seek amendment by moving an application for amendment in the suit, which is subject matter of present revision petition but the fact remains that the Rent Controller was required to discuss oral agreement and, thus, form an opinion as to whether there was no relationship of landlord and tenant.

The impugned order is not sustainable. The same is hereby set aside. The matter is remitted back to the Rent Controller to decide the application (Annexure P-8) seeking provisional assessment of rent, afresh, preferably within a period of two months from the date of receipt of copy of this order.

The revision petitions stands allowed.

October 19, 2015
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(AMIT RAWAL)
JUDGE