

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 6868 of 2014
Date of Decision: 27.07.2015.**

Ram Gopal

.....Petitioner

Versus

Sukhdev Chand and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rajinder Goyal, Advocate
for the petitioner.

None for respondent No. 1.

Mr. J.S.Randhawa, Advocate
for respondent No. 2.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 2.8.2014 whereby provisional rent was assessed by the Rent Controller.

Learned counsel for the petitioner has submitted that the income tax returns of the petitioner as well as respondent No. 1 were available on record and the provisional rent was liable to be assessed on the basis of the said returns.

None has appeared on behalf of respondent No. 1.

Learned counsel for respondent No. 2, on the other hand, has submitted that now the case before the Rent Controller is near completion. Moreover, respondent No. 2 has deposited the provisional rent as assessed by the Rent Controller.

In the present case, petitioner had filed petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 as applicable to Chandigarh against respondent No. 1. Respondent No. 1, however, denied the relationship of landlord and tenant between the parties. Thereafter, respondent No. 2 was impleaded as a party and he admitted the relationship of landlord and tenant between the parties and averred that the rate of rent was ₹ 600/- per month. In these circumstances, the learned Rent Controller rightly held that respondent No. 1 could not be directed to pay the provisional rent as he had denied the relationship of landlord and tenant between the parties. Learned Rent Controller directed respondent No. 2 to pay the provisional rent and assessed the same on the basis of the rate of rent stated by the said respondent. Now admittedly, the case before the Rent Controller is near completion. The Rent Controller will consider the pleas of the parties while deciding the main petition.

Hence, at this stage, no ground for interference is made out.

Petition stands disposed of accordingly.

However, the Rent Controller is directed to dispose of the case expeditiously.

**(SABINA)
JUDGE**

July 27, 2015
Gurpreet