

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No.801 of 2015
Date of decision: 04.2.2015

Vijay Sharma

....Petitioner

Versus

Shree Singh Sabha Gurdwara

...Respondent

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Anil Shukla, Advocate for the petitioner.

G.S.Sandhawalialia J.(Oral)

Challenge in the present revision petition is to the order dated 31.03.2014 whereby the Rent Controller, Faridabad has assessed the provisional rent of two shops occupied by the petitioner/tenant owned by the respondent Gurdwara at ₹ 8000/- per month. The basis of the provisional assessment is alleged receipt which has been appended as Annexure P/1.

Counsel for the petitioner submits that there is nothing to show that receipt was issued by the landlord as such.

The said order of the Rent Controller, Faridabad has also been upheld by the Appellate Authority, Faridabad on 17.1.2015 which is also under challenge.

A perusal of the paper-book would go on to show that the shops are situated in the heart of Faridabad and the petitioner is using the shops for the running of refrigeration business. It has come on record that another tenant, namely, Mahi Electronics was paying as much as ₹ 5,000/- per month for one shop and there was similar hand written receipt issued by the respondent Gurdwara. In such circumstances, this Court is of the opinion that the provisional assessment which is done is on the basis of valid criteria is prima facie justified. Moreover, it is only a provisional assessment and if the same is

decided against the landlord, petitioner will always be entitled for the refund or adjustment of the amount which he paid during the pendency of the proceedings.

In such circumstances, this Court would be loath to exercise its revisional jurisdiction in assessing of the provisional rent without any relevant basis before it.

Accordingly, the present revision petition is dismissed.

04.2.2015
Pka

(G.S.SANDHAWALIA)
JUDGE