

In the High Court of Punjab and Haryana at Chandigarh

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CR No. 8490 of 2015

Date of decision: 15.12.2015

SUNITA PRUTHI

..... Petitioner

Versus

SURJEET SINGH

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.S.M.Sharma, 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?***

Raj Mohan Singh, J.

On 14.12.2005, the case was adjourned for today in order to see whether in the previous rent petition, there was admission regarding rate of rent to be ₹ 4,000/- per month for the period in question.

The impugned order has been passed on the application under Order 15 Rule 5 of CPC moved by the applicant-plaintiff. The applicant-plaintiff has filed a suit for possession by way of ejectment of the defendant from the house in question along with recovery of arrears of rent, interest and future mesne profits for use and occupation of the premises @

₹ 15,000/- per moth w.e.f. 1.12.2014 till the actual delivery of possession. The applicant-plaintiff has claimed recovery of ₹ 55,380/- on account of rent from 1.11.2013 to 30.11.2014 @ ₹ 4,000/- per month, interest thereupon @ 12% per annum and future mesne profit for use and occupation @ ₹ 15,000/- per month w.e.f. 1.12.2014. Defendant has contested the application on the ground that there was no such admitted rate of rent @ ₹ 4,000/- per month, rather rate of rent was ₹ 2,500/- per month and defendant is ready to make good the said payment at that rate. Trial Court by taking reference of earlier rent petition No.51/ 13 titled 'Surjeet Singh vs. Sunita Pruthi' held that there was an admission on the part of the defendant that the rate of rent was @ ₹ 4,000/- per month from 1.9.2012 to 28.2.2013 and it was so recorded in the statement of the defendant. Similarly, in rent petition No.114 dated 7.11.2013 titled 'Surjeet Singh vs. Sunita Pruthi', the same rate of rent was admitted from 1.3.2013 to 13.10.2013. The provisional rent was accordingly assessed on the basis of admission of the defendant, thereby fixing ₹ 4,000/- per month as provisional rent.

In the present application, assessed rate of rent @ ₹ 4,000/- per month has been taken to be provisional rent for this controversy also and accordingly, defendant has been directed to deposit the rent @ ₹ 4,000/- per month for the period as claimed by the plaintiff vide impugned order dated 28.7.2015.

Defendant remained unsuccessful in review application filed before the trial Court, vide which she sought to re-argue the matter, without satisfying the ingredients of Order 47 Rule 1 CPC.

Today, learned counsel very fairly admitted with reference to certified copy of statement dated 20.12.2012 that there was assessment of ₹ 4,000/- per month as provisional rent as per statement of Sunita Pruthi dated 20.12.2012, whereby she paid the amount of ₹ 21,370/-.

In view of admitted position on record, I do not find any jurisdictional error in the order passed by the trial Court. Accordingly, this revision petition is dismissed.

(RAJ MOHAN SINGH)
JUDGE

December 15, 2015
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