

**114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-1254-2016 (O&M)

Date of decision : 24.02.2016

Bhupinder Singh

..... Petitioner

versus

Partej Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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?

AJAY TEWARI, J. (Oral)

This petition has been filed against the order of the Rent Controller declining to determine the provisional rent.

The petitioner filed an eviction petition inter-alia claiming that the respondent had not paid the rent. The respondent denied the relationship of landlord and tenant and sought to rely upon an oral agreement to sell coupled with payment. Since the relationship of landlord and tenant was denied the Rent Controller did not determine the provisional rent and ultimately it was held that if the relationship is established the respondent-tenant would face the consequences and he would be given no further opportunity to make the payment of rent.

Learned counsel has sought to argue that the case set up by the respondent-tenant (of agreement to sell etc.) is highly incredible.

Be that as it may, the decision to fix provisional rent or not is a fall out of a plea by the tenant; if the tenant accepts tenancy the mandate of *Rakesh Wadhawan vs. M/s Jagdamba Industrial Corporation and others, Appeal (Civil) No.2135 of 1999* decided on 26.04.2002 kicks in and the Rent Controller has to fix provisional rent and give one opportunity to the tenant to pay the same. However, if as in the present case the tenant denies the relationship, he has to face consequences as pointed out by the Rent Controller and this would not depend upon the inherent credibility or otherwise of the plea.

I find no fault with the findings given by the Rent Controller.

The revision is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

February 24, 2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**