

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R No. 5793 of 2015 (O&M)

Date of decision : February 18, 2016

Satpal

..... Petitioner

v.

SDP Sabha (Regd) and another,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Namit Gautam, Advocate
for the petitioner.

Mr. Yogesh Goel, Advocate
for the respondents.

1. **Whether Reporters of Local Newspapers 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)

CM No.3707 CII of 2016

For the reasons recorded, this application is allowed and the documents, Annexures R-1 and R-2 are taken on record.

CR No.5793 of 2015

This petition has been filed against the order dated 18.8.2015 passed by the Appellate Authority declining to interfere in an appeal filed against the fixation of provisional rent on the ground that it was an appealable order.

At the very outset, it may be noticed that both the learned

counsel have accepted that this finding of the Appellate Authority is wrong and in fact, the order fixing provisional rent is an appealable order. The matter, however, does not end here. It transpires that the petitioner had deposited the provisional rent under protest subject to the decision of his claim that the provisional rent was excessive and after that deposit, the respondent/landlord withdrew the amount and also withdrew the main petition.

Counsel for the respondents states that the present petition has been rendered infructuous.

Counsel for the petitioner has, however, expressed an apprehension that if this petition is dismissed as having been rendered infructuous, it would mean that the assessment of provisional rent, as assessed by the Rent Controller, would be taken to be final rent.

Counsel for the respondents states that to get over this apprehension, it may be clarified that in the event of any subsequent dispute regarding the rent, the order dated 21.7.2015 passed by the Rent Controller would have no relevance and the Rent Controller would have to decide this issue afresh after considering the matter independently.

Counsel for the petitioner states that he is satisfied with this stipulation.

Consequently, this petition is dismissed as having been rendered infructuous in the above terms.

February 18, 2016
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(AJAY TEWARI)
JUDGE

