

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

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Civil Revision No.6183 of 2016 (O&M)

Date of Decision: September 20, 2016

Gagan Sota

...Petitioner

Versus

Surinder Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Nand Lal Sammi, Advocate
for the petitioner.

AUGUSTINE GEORGE MASI, J. (ORAL)

CM No.19066-CII of 2016

Prayer in this application is for exemption from filing the certified/true typed copy of judgment dated 27.07.2016 and order dated 22.03.2016 and grounds of appeal dated 04.04.2016.

Application is allowed.

Exemption from filing the aforesaid documents is granted subject to just exceptions.

CR No.6183 of 2016

Challenge in this revision is to the orders dated 22.03.2016 passed by the Rent Controller, Rajpura, whereby the provisional rent has been assessed and on non-deposit of the said amount as assessed, on the date fixed, the eviction order has been passed. Challenge has also been raised to the order dated 27.07.2016 passed by the Appellate Authority, Patiala, whereby the appeal preferred by the petitioner has been dismissed.

2. It is the contention of learned counsel for the petitioner that blank papers were got signed by the respondent-landlord and by misusing the same, rent note has been prepared, where the rent has been shown to be

at the rate of ₹10,000/- per month. He contends that for a small booth for running a mobile phone shop, such a high amount of rent could not have been fixed. That apart, he contends that the assessment of the provisional rent as done by the authorities below under the Rent Act, is not sustainable. He, thus, prays that the impugned orders may be set aside and the rent petition be further directed to be proceeded on merits.

3. I have considered the submissions made by learned counsel for the petitioner and have gone through the impugned orders but cannot accept the contentions, as has been raised by the counsel for the petitioner in the light of the fact that in a suit which was pending between the parties, petitioner had admitted the rent note in his cross-examination on 04.12.2016 and has also admitted that he had taken the shop on rent at the rate of ₹10,000/- per month. The certified copy of the said statement and cross-examination of the petitioner is on record before the Courts below and, therefore, after admission on the part of the petitioner, he cannot now retract from the same.

4. The findings as recorded by the Courts below are based upon proper appreciation of the pleadings and the evidence brought on record.

5. There being no illegality in the orders passed, the present revision petition being devoid of merit, stands dismissed.

6. In the light of the dismissal of the appeal, the application for stay i.e. CM No.19067-CII of 2016, stands disposed of as infructuous.

September 20, 2016

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No