

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

**Civil Revision No.6489 of 2016 (O&M)
Date of Decision:September 28, 2016.**

Vinod Kumar Sharma

.....PETITIONER(s).

VERSUS

Oriental Insurance Company Limited

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Anil Chawla, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Heard.

This is revision petition filed by landlord-Vinod Kumar Sharma against the order dated 30.07.2016, whereby learned Rent Controller assessed the provisional rent for the period as claimed by the petitioner-landlord.

It is admitted that tenanted premises was let out @ ₹25,462/- per month vide lease deed dated 06.01.1995 and there was clause of 15% increase of rent after every three years. The lease agreement expired in the year 2003 and thereafter it was never got renewed or registered. It is also not disputed that after 2003 till 05.01.2016, respondent-tenant had been paying rent @ ₹33,673/-. Learned Rent Controller assessed the provisional rent by taking a rent as ₹33,673/- and for the period as claimed by the landlord.

Learned counsel for the petitioner has argued that in the lease deed, there was clause of 15% increase after every three years but the same was not paid by the tenant after the year 2003 and learned Rent Controller has not taken this fact into consideration while assessing the provisional rent.

I do not find any reason to agree with the submission made by learned counsel for the petitioner. The petitioner-landlord has been accepting the rent after 2003 at the rate of ₹33,673/- without seeking any enhancement. As to whether the rent after 2003 was required to be increased as per the terms of the lease deed dated 06.01.1995, is a matter of evidence and this fact will be decided at the time of final decision of the ejectment petition.

This revision petition has no merit and the same is, hereby, dismissed.

September 28, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***