

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

Civil Revision No.6623 of 2016

Date of Decision: October 03, 2016

Student Media Organization, Sector-7, Chandigarh

...Petitioner

Versus

Mahesh Bhasin & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Deepak Basatia, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Petitioner-defendant is aggrieved of the impugned order, whereby the application moved under Order 15 Rule 5 CPC has been allowed.

Mr.Deepak Basatia, learned counsel for the petitioner-defendant submits that vide rent agreement dated 1.4.2015, the petitioner had taken on rent the ground floor, first floor and second floor of SCO No.227, Sector 10, Urban Estate, Kurukshetra at the rate of ₹45,000/- for the period from 1.4.2015 to 31.3.2016. The possession of the ground floor had been taken by the landlord and the arrears of rent were included towards the electricity dues with the new rate of rent and, therefore, there is no case for recovery of the rent and, thus, the application was not maintainable as the ejectment has been sought only of the first and second floors. He further submits that there is no admission of the rent and, therefore, the order under challenge could not have been passed.

I have heard the learned counsel for the petitioner and appraised the paper book and of the view that the rent agreement, aforementioned, is for a period of 11 months and, therefore, does not require registration. The rate of rent mentioned therein is ₹45,000/-. As per the prayer clause of the suit, the respondent-plaintiff has sought the recovery of the arrears of rent w.e.f. 1.1.2016 to 1.3.2016 with the mesne profits at the rate of ₹45,000/- per month, in essence the recovery of the rent has been sought. The same reads thus:-

“It is therefore, respectfully prayed that a decree for possession of the First Floor and Second Floor of SCO No.227, Sector-10, Urban Estate, Kurukshetra directing the defendant to put the plaintiff in peaceful vacant possession of the suit property with a decree for recovery of Rs.1,35,000/- as rent from 01.01.2016 to 01.03.2016 and further a decree for mesne profit at the rate of Rs.45,000/- per month from the date of filing the present suit till the date of handing over the vacant possession of the suit property to the plaintiffs by the defendants with permanent injunction restraining the defendant from sub-letting said property to any other person (s) and from change the user and nature of the suit property and damaging the same in any manner, or forcibly and illegally may kindly be passed in favour of the plaintiffs and against the defendant with costs.”

Admitted rent as per the defendant has to be seen. The aforementioned provision protect the predicament of the landlord to seek the ejectment, whereas the provisions of Rent Act do not apply.

I am of the view that the order is perfectly legal and justified and cannot be said to be without jurisdiction. No case for interference is made out.

Revision petition stands dismissed.

October 03, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No