

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH  
107**

**C.M. Nos. 13961-CII of 2015 & 10589-CII of 2016  
& Civil Revision No. 710 of 2015 (O&M)  
Date of decision: 29.11.2016**

*J.P.S.Chadha*

*...PETITIONER*

VS.

*Rajinder Singh Koura and another*

*...RESPONDENTS*

***CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH***

Present: Mr. Baljinder Singh, Advocate,  
for the petitioner.

Mr. Anuj Raura, Advocate,  
for the applicant/respondents.

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**AUGUSTINE GEORGE MASIH, J. (ORAL)**

**C.M. No. 10589-CII of 2016**

Counsel for the applicant/respondents prays for withdrawal of  
the present application.

Application is dismissed as withdrawn, as prayed for.

**Civil Revision No. 710 of 2015**

Counsel for the respondents states that the respondents have no  
objection to the allowing of the present revision petition by setting aside the  
order dated 17.12.2014 passed by the Rent Controller, Chandigarh, vide  
which the application under Order 9 Rule 13 CPC read with Section 151  
CPC for setting aside the ex-parte proceedings/decreed against the petitioner

under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 was allowed ex-parte. It is his further contention that apart from setting aside the said order, a direction may be issued to the petitioner to deposit the arrears of rent of the demised premises.

To this, the counsel for the petitioner submits that as per the assertions of the respondents, the petitioner has become the owner of the demised premises from 12.04.2013, however, the respondents are claiming arrears of rent from a prior date i.e. April, 2005 when, he submits that, he has been given the authority to collect the rent of the demised premises, which is disputed by the petitioner.

Counsel for the respondents submits that the said point may be left open to be agitated before the Rent Controller, with regard to the rest of the period qua the claim of the rent at least for the period i.e. April, 2013 onwards be deposited as arrears of rent.

In view of the position, as it has been culled out above on the basis of the statements and submissions made by the counsel for the parties, the present revision petition is allowed. The impugned order dated 15.05.2014, whereby the petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 preferred by the respondents has been allowed ex-parte and the order dated 17.12.2014 dismissing the application for setting aside the ex-parte proceedings and the decree has been dismissed, are set aside.

The petitioner shall deposit the arrears of rent from April, 2013 till date with the Rent Controller within a period of two months from today, failing which the impugned orders shall stand restored. In case the amount is deposited by the petitioner, the respondents may withdraw the amount so

deposited by making an appropriate application before the Rent Controller for the said purpose. The petitioner shall continue depositing the rent on or before 10<sup>th</sup> of each month till the provisional rent is assessed and thereafter, the provisional rent accordingly.

As regards the claim of the respondents for the rent prior to April, 2013, the same is left open to the parties to agitate before the Rent Controller, Chandigarh, who shall, on considering the pleadings and the evidence brought on record, decide the same. That would include the assessment of provisional rent as well.

Parties to appear before the Rent Controller on 15.12.2016. Petitioner to file his written statement within a period of three weeks thereafter and the Court would proceed in the matter subsequently in accordance with law.

**C.M. No. 13961-CII of 2015**

In view of the disposal of the main revision petition, no separate orders are required to be passed in this application and, therefore, the same stands dismissed.

**November 29, 2016**

**(AUGUSTINE GEORGE MASIH)  
JUDGE**

*pj*

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