

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

**C.M. NOS.24698-99 CII OF 2016 &
CIVIL REVISION NO.8178 OF 2016
DATE OF DECISION: DECEMBER 05, 2016**

Radhe Sham

.....Petitioner

VERSUS

Manmohan Singh and others

....Respondents

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

Present: Mr. V. K. Sandhir, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No.24698 CII of 2016

Application is allowed as prayed for subject to all just exceptions.

C.M. No.24699 CII of 2016 and C.R. No.8178 of 2016

Petitioner has approached this Court, impugning the order dated 05.10.2016 passed by the Rent Controller, Amritsar, whereby an application under Section 151 C.P.C. moved by the petitioner, asserting that he is ready and willing to pay the provisional assessment of rent despite he having denied the relationship of landlord and tenant between the parties, stands dismissed, basing its order on the judgement of this Court in Upma Devi Vs. Bhagwan Dass, 2003 (2) PLR 371, where it has been held that the Rent Controller cannot apply to assess the rent and cost in any situation

where the tenant denied the jural relationship of tenancy, which judgement has been reiterated in a subsequent judgement of this Court in Siri Gopal and others Vs. Dr.Rewa Ram and others, 2012 (4) PLR 373.

The order, as has been passed by the Rent Controller, being based upon the judgements of this Court and applying the same to the facts and circumstances of the case, cannot be faulted with.

Thus, there being no merit in the present revision petition, the same stands dismissed.

Since the main revision stands dismissed, C.M. No.24699 CII of 2016 for staying the further proceedings before the Rent Controller, Amritsar, is also dismissed.

**December 05, 2016
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**(AUGUSTINE GEORGE MASIH)
JUDGE**

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