

CR No.8386 of 2015 (O&M)

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

CR No.8386 of 2015 (O&M)

Date of Decision: February 12, 2016

Harinder Khetarpal

...Petitioner

Versus

Hans Raj

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Kartik Gupta, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (Oral):

Challenge in the present revision petition is to the order dated 13.08.2015 passed by the Rent Controller, Faridabad, whereby, the provisional rent has been assessed at the rate of ₹3,225/- per month and the petitioner has been ordered to deposit the arrears upto 36 months w.e.f. 01.04.2012, appeal against which preferred by him, has been dismissed by the Appellate Authority, Faridabad, on 31.10.2015.

It is the contention of the learned counsel for the petitioner that the Courts below have not appreciated the factum that the rent has been paid by the petitioner upto May, 2014 at rate of ₹3,225/- and therefore, there is no question of payment of arrears prior thereto. He, thus, contends that the impugned orders cannot sustain. In support of this contention, he has placed reliance upon

the grounds taken while filing the appeal wherein he has positively asserted that he has the receipts of the payments and therefore, no liability could have been imposed upon the petitioner for the period of which he had already paid the rent. He, thus, contends that the impugned orders cannot sustain.

Having considered the submissions made by the learned counsel for the petitioner and on going through the impugned orders, I do not find any illegality in the same.

The Courts below have rightly concluded that in the written statement, there is no stand taken by the petitioner-tenant that the receipts have ever been issued by the landlord to the petitioner, however, it is open to the parties to lead their respective evidence which shall be taken into consideration by the Rent Controller at the stage of final disposal of the petition. There being no illegality in the orders impugned, no interference in the revision petition is called for by this Court.

Dismissed.

February 12, 2016

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**