

**CM No.25639-CII of 2016 and
Civil Revision No.8462 of 2016 (O&M)
Date of Decision: December 15, 2016**

Kali Charan and another

.....Petitioners

Versus

Karam Chand and others

....Respondents

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

Present: Mr. Sumeet Singh Arora, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.25639-CII of 2016

Application is allowed and exemption from filing certified copies of grounds of appeal and Annexure P-1 and from filing typed copies of the same, is granted subject to all just exceptions.

Civil Revision No.8462 of 2016 (O&M)

Challenge in this revision petition is to the order dated 22.07.2016, passed by the Rent Controller, Chandigarh, whereby the petition under Section 13 of the East Punjab Urban Rent Restrictions Act, preferred by the respondents-landlord on the ground of non-payment of rent has been allowed as the rent which has been deposited by the petitioners is short. Appeal against the said order which was preferred by the petitioners have also been dismissed by the Appellate Authority, Chandigarh on 15.11.2016.

It is the contention of learned counsel for the petitioners that the authorities below have merely relied upon the receipt which has been issued by the petitioners to the respondents and has been reproduced by Ishawar Dass who appeared as PW-2. He contends that the said documents could not have been relied upon. He further submits that the Courts below have erred in assessing the rent @ ₹950/- per month w.e.f. April 2009 which according to the petitioners was never agreed to and the premises were rented out to the petitioners in the year 1991 @ ₹80 which was subsequently increased from time to time and at present the rent is @ ₹150/- per month. He contends that even if a gradual increase in the amount of rent is taken into consideration, the same would still not reach @ ₹950/- per month as has been assessed by the Authorities below. A contention has also been raised that the oral evidence of the respondents-landlord have been relied upon, whereas the contentions of the petitioners have not been accepted which cannot be sustained.

I have heard learned counsel for the petitioners and with his able assistance have gone through the impugned orders passed by the Authorities below but do not find myself in agreement with the contention as has been raised by the counsel for the petitioners.

A perusal of the impugned orders would show that Ex.PB is writing in the hand of Kali Charan-petitioner No.1 herein, which has been tendered by Ishwar Dass-respondent No.2. No objection has been raised by the petitioners when the writing (Ex.PB) was tendered by the Ishwar Dass PW-2. In the cross-examination also there is no objection raised to the same and, therefore, the findings which have been recorded by the Authorities

below based upon this document which is and has been executed by petitioner No.1-Kali Charan and has not been disputed by the petitioners, cannot be faulted with. Thus the Authorities below, wherein the rent has been assessed on the basis of Ex.PB at ₹950/- per month excluding water and electricity charges cannot be said to be without any basis or unjustified.

In view of the above, finding no merit in the present revision petition, the same stands dismissed.

Since the main appeal stands dismissed, *CM No.25640-CII of 2016* also stands dismissed as infructuous.

December 15, 2016

**(AUGUSTINE GEORGE MASIH)
JUDGE**

ps-I

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No