

123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-856-2016 (O&M)
Date of decision : 23.02.2016

Kuljit Singh

..... Petitioner

versus

Preetinder Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Mukesh Bhatnagar, Advocate
for the petitioner.

Mr. Rajesh Sethi, Advocate
for the respondents.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed against the order whereby an application for deleting additional Issue No.1-A has been rejected.

The landlord had filed the petition on the ground of non-payment of rent and impairment of value and utility and had averred in the petition that the petitioner was paying monthly rent @ Rs.3,418/-. The petitioner cleared the arrears and, therefore, issue of non-payment of rent was withdrawn by the landlord. However, para 5 of the petition is as follows :-

“That it may be relevant to state here that the tenanted cabin referred to in para 2 above is situated in the commercial building describable as SCO No.133-134-135 Sector 17-C, Chandigarh which is located in the prime commercial hub of

Sector 17, Chandigarh where the present rental value of similar cabin is not less than Rs. One Lac, per month.

Whereas the respondent is paying rent of the demised cabin @ Rs.3418/- per month only, which is too low in comparison to the present market rate of rent of similar cabin, in the locality.

Now as the respondent is a tenant in the demised cabin since the year 1981 i.e. for the last more than 30 years and is paying rent of it only @ Rs.3418/- per month so by applying the guidelines laid down by the Hon'ble Supreme Court in its recent ruling, the respondent is under legal obligation to pay the monthly rent of the demised cabin @ Rs.One Lac p.m. excluding all other charges and taxes i.e. as per the prevalent rate of rent of similar cabin in the commercial hub of Sector 17-C, Chandigarh.

Thus in view of the facts detailed in paras above, the rent of the demised cabin from 01.05.2011 onwards is deemed to be Rs.One lac per month, excluding all other charges and taxes, which the respondent is under legal obligation to pay."

After the case was fixed for evidence the landlord-respondent moved an application for framing an additional issue (Annexure P-5) to the following effect :-

"Whether respondent is liable to pay revised rent @ approximately Rs.1,00,000/- per month from 01.05.2011, excluding all other charges and taxes, which the respondent is under legal obligation to pay? OPP".

The Rent Controller framed the said issue. As mentioned above, an application was filed to delete the said issue which was rejected and hence the present petition.

Learned counsel for the petitioner has argued that this issue does not arise in the present case because the landlord has accepted

that the agreed rate of rent was Rs.3,418/- per month.

Learned counsel for the respondents is not in a position to counter this.

In the circumstances, the petition is allowed and Additional issue No.1-A is deleted.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

February 23, 2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**