

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

**Civil Revision No. 6287 of 2016 (O&M)
Date of Decision: 26.07.2017**

Balvinder Singh

..... Petitioner

Versus

Sanjay Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Manish Mehta, Advocate
for the petitioner-tenant.

Mr. Rishi Pal Singh, Advocate for
Mr. Jai Veer Yadav, Advocate
for the respondent-landlord.

JASWANT SINGH, J. (ORAL)

Petitioner-tenant is in revision directed against the order dated 19.04.2016 (**Annexure P-5**) whereby the Rent Controller, Mohindergarh, *inter alia*, has determined the rent of the demised premises @ Rs. 700/- per month.

It is contended that with respect to the present demised shop comprising one room and tin shed in front thereof, the rent was determined @ Rs. 50/- per month in the eviction petition filed by Gajender Prashad, who is the father and predecessor-in-interest of the present landlord-Sanjay Kumar.

To substantiate the arguments, reference has been made to the judgment dated 11.01.2012 passed in Rent Petition No. 06 of 2009 titled as *Gajender Prashad Versus Balwinder Singh*, annexed at **Annexure P-6**.

It is, thus, contended that the impugned order dated 19.04.2016 **(P-5)** fixing the monthly rent of demised premises @ Rs. 700/- per month plus house tax charges deserves to be set aside.

On the other hand, learned counsel for the respondent-landlord is unable to refute the aforesaid factual position.

In view of the aforesaid agreed factual position, coupled with the pleadings of para No. 18 of order dated 11.01.2012 **(P-6)**, it is apparent that even Sanjay Kumar had appeared in the said eviction petition as a General Power of Attorney holder of his father Gajender Prashad and was fully aware of the rate of rent being fixed @ Rs. 50/- per month for the demised premises in question. It is extremely unfortunate that in the present eviction petition, he chose to suppress the fact.

Accordingly, in view of the above, the impugned order dated 19.04.2016 **(P-5)** is set aside and the Rent Controller, Mohindergarh, is directed to pass a fresh order by making a fresh provisional assessment of rent of the demised premises in question and consequent arrears to be paid within stipulated time.

Revision petition is allowed in the above terms.

July 26, 2017

dk kamra'

**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No