

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

C.R. No. 7531 of 2013 (O & M)

Date of decision: 10.05.2017

Balraj Bansal

....Petitioner(s)

Versus

M/s. Gora Kala Brothers

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. S.K. Singla, Advocate,
for the petitioner.

Mr. Brijeshwar Singh, Advocate,
for Mr. B.S. Bhalla, Advocate,
for the respondent.

G.S.SANDHAWALIA, J. (Oral)

The petitioner's grouse is against the order dated 12.06.2012 passed by the Rent Controller, Moga whereby, the provisional assessment of rent has been made only from 01.12.2011.

The grouse of the petitioner is that the rent was due from April, 2008 and, therefore, there was no direction as such to the tenant to pay the said amount which should have been done in normal circumstances. An application had also been filed for modification of the order dated 22.07.2013 (Annexure P-5) which has also been rejected by the Rent Controller, Moga. Resultantly, the present revision petition has been filed.

It is accordingly argued that a direction should be issued for fresh provisional assessment of the rent.

Counsel for the respondent, on the other hand, has pointed out that much water has flown as more than 4 years have gone by when the

order was passed on 12.06.2012 and the trial is at the fag end and even only the cross examination of the tenant is left and is fixed for 16.05.2017

Keeping in view the facts and circumstances, this Court is of the opinion that at this stage, interference in the orders would not be justified. The Rent Controller will look into the said grouse since already evidence has come on record. In ***Rakesh Wadhawan and others vs. M/s. Jagdamba Industrial Corporation and others, 2002 (5) SCC 440***, it has been held that the provisional assessment is only an interim order and it is at the fag end of the trial, the Rent Controller has to pass necessary directions wherein, the tenant may have to pay the balance due or the landlord may have to refund.

Keeping in view the above settled position, no further orders are necessary in the present revision petition. The Rent Controller, Moga will take into account the demand as such in the eviction petition regarding the arrears from 2008.

With the above observations, the present revision petition stands disposed of.

10.05.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No