

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

CR No.8022 of 2017(O&M)

Date of Decision:-15.11.2017

Jagjit Singh.

.....Petitioner.

Versus

Kamini Devi & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Harish Sharma, Advocate for the Petitioner (tenant).

JASWANT SINGH, J.(ORAL)

Petitioner (tenant) is in revision aggrieved against the order dated 10.10.2017 passed by the Appellate Authority, Ludhiana affirming the order dated 08.05.2017 passed by the Rent Controller, Ludhiana whereby the rent was provisionally assessed at the rate of Rs.300/- per month payable w.e.f. April 2013 except for the amounts deducted on producing the cheques.

The grievance primarily is with regard to the direction towards payment of arrears of rent prior to the period June 2016, when a cheque was tendered and accepted for a sum of Rs.10,000/- towards payment of rent at the rate of Rs.3,000/- plus water and sewerage charges. It is sought to be contended that upon such payment, it has to be naturally construed that the due rent for the previous periods till April 2013 stood paid.

After arguing for sometime and realising that the argument

sought to be raised is a matter of evidence, counsel for the petitioner prays for permission to withdraw the present petitioner, however prays for grant of some more time to pay the provisionally assessed rent within some reasonable time as the tenant had approached the courts well within the expiry of the stipulated time for payment by 30.05.2017.

Prayer is substantiated, as before the stipulated period of deposit of provisional rent by 30.05.2017 the tenant had filed a revision before this Court bearing CR No.3843 of 2017 which was disposed of vide order dated 26.05.2017 relegating the tenant to file an appeal by 31.05.2017. The record reveals that the appeal was filed on 31.05.2017 which has dismissed vide the impugned order dated 10.08.2017.

Prayer being reasonable is liable to be accepted.

Accordingly, present revision petition is hereby dismissed as withdrawn. However, petitioner (tenant) is granted time till 30.11.2017 to deposit the provisionally assessed rent in terms of the order dated 08.05.2017 passed by the Rent Controller, Ludhiana.

(JASWANT SINGH)
JUDGE

November 15, 2017

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>