

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

**CR No.1338 of 2018 (O&M)
Date of decision: 26.02.2018**

Satish Sachdeva

...Petitioner

Versus

Gopal Krishan and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sameer Sachdeva, Advocate,
for the petitioner.

Ritu Bahri, J.

This petition has been filed against the order dated 09.02.2018 passed by the Rent Controller, U.T., Chandigarh, whereby application dated (Annexure P-4) filed by petitioner-tenant for assessment of provisional rent has been dismissed.

Initially, the petition filed by landlord-respondent(s) under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (for short 'the Act') was dismissed in default on 07.05.2012. Later on, it was restored vide order dated 04.12.2015. Now, the said petition is fixed for 25.04.2018 for evidence of landlord-respondent(s).

Background of the case is that earlier one Harkiran Kaur was owner of the property in dispute and tenant-petitioner was regularly making payment of rent to her. The aforesaid eviction petition was filed by landlord-Gopal Krishan etc. on 24.10.2007 taking the plea that they had

become owners of the property pursuant to the award passed by the Lok Adalat. This award was challenged by Harkiran Kaur-landlord by way of a civil suit. In the present rent petition, she made an application dated 14.02.2012 under Order 1 Rule 10 CPC for impleading her to be party-respondent. Thereafter, issues were framed on 11.12.2015, which are reproduced on page No.38 of this petition.

Grievance of petitioner-tenant is with regard to issue No.1. No rent has been paid by petitioner-tenant to respondent-landlord as earlier the rent petition was dismissed in default on 07.05.2012 and no order with regard to provisional rate of rent has been passed by the Rent Controller till date.

Learned counsel for petitioner-tenant has further informed that application filed by Harkiran Kaur under Order 1 Rule 10 CPC has now been dismissed in default, as she and respondent-Gopal Krishan have resolved their dispute. Pursuant to the said compromise, property in dispute has now bene transferred in favour of Gopal Krishan, Sarika, Sanjay Kumar, Sunita Mittal and Ganga Devi-respondents by the Estate Officer, U.T., Chandigarh, on 29.11.2017.

Since the present petitioner (tenant) has not paid any rent to the respondents, as they were not his landlord and there was no order, this petition is disposed of with a direction that no adverse inference will be drawn against the petitioner on issue No.1.

26.02.2018
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No