

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

141

CR No.1530 of 2018 (O & M)
Date of Decision:26.10.2018

Raj Kishore Gupta

...Petitioner

Versus

Sidharth

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rishabh Lohan, Advocate
for the petitioner.

None for the respondent.

ANIL KSHETARPAL, J.(Oral)

Landlord-petitioner is in the revision petition against the order of remand passed by the learned Appellate Authority.

In the present case, admittedly no order assessing the provisional rent was passed. Learned Appellate Authority has noticed that on 11.12.2015, counsel appearing for the tenant had offered to pay the rent if it is assessed by the Court. It was the counsel for the landlord, who had submitted that there is no requirement to assess the rent. The order passed by the learned Rent Controller on 11.12.2015 is extracted as under:-

“At this stage, learned counsel for the respondent has stated that he is ready to pay the rent, if it is assessed by Court. On the other hand, learned counsel for the applicant has argued that at this stage, rent cannot be assessed and case be decided on the merits. Applicant is not ready to

take the rent from respondent at this stage. This fact shall be considered at the final stage of the case.”

As per the judgment of the Hon'ble Supreme Court in the case of **“Rakesh Wadhawan vs. Jagdamba Industrial Corporation Ltd.”**, **2002(1) RCR (Rent) 514**, it is incumbent on the Rent Controller to assess provisional rent.

Learned counsel for the petitioner has submitted that once rate of rent is not disputed, the Court is not required to assess provisional rent. This Court has already examined this issue in detail and has concluded irrespective of fact that whether rate of rent is in dispute or the period for which arrears are in dispute, the Rent Controller is required to assess the rent. Reference in this respect made to judgment passed in CR No.1074 of 2011 decided on 25.09.2018 in the case of **“Paramdeep Singh vs. Kanwaljit Singh and others”**.

Hence, the revision petition is dismissed.

26.10.2018
sheetal

(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No