

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

(1)	Civil Revision No.3303 of 2012 (O&M)
(2)	Civil Revision No.3304 of 2012 (O&M)
(3)	Civil Revision No.3431 of 2012 (O&M)

Date of Decision: March 06, 2018

Paramjit Singh @ Rosy

.....PETITIONER(s).

VERSUS

Paramjit Singh

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. IPS Kohli, Advocate
for the petitioner (s).

Ms. Ritu Punj, Advocate
for the respondent.

SURINDER GUPTA, J.

Rent Controller, Ludhiana passed separate orders (all dated 29.11.2010) in three ejectment petitions filed by respondent under Section 13 of East Punjab Urban Rent Restriction Act, 1949, assessing provisional rent payable by tenant-revision petitioner. While making the assessment of provisional rent, learned Rent Controller considered plea of the landlord and tenant regarding the rate of rent and period of rent for which it was claimed.

There are three shops on rent with revision petitioner-tenant. Respondent-landlord claimed rent of these three shops as ₹3000/- per month but the tenant alleged that rent of one shop was ₹350/- per month while two other shops were let out at the rate of ₹1500/- per month. As the landlord

could not produced any document in support of his contention about rate of rent of three shops, learned Rent Controller relied on the plea taken by the tenant and assessed rate of rent of these shops as alleged by him.

The next contention of landlord was that the tenant has not paid the rent w.e.f. 01.01.1997 onwards but the tenant contested this plea and alleged that he had paid rent upto 2009 but could not produce any receipt. In the absence of any evidence, learned Rent Controller accepted the plea of landlord about the arrears of rent and directed the tenant to pay the arrears of rent w.e.f. 01.01.1997 to 31.10.2010 with interest at the rate of 6% per annum and costs of ₹500/- in each case.

Revision petitioner came in revision against that order which was ultimately dismissed being not maintainable and he was allowed to file appeal before the appellate authority. Thereafter, he filed appeal before the Appellate Authority, Ludhiana challenging order of assessment of provisional rent which was dismissed. Against that order, he has come up in the revision.

As all the three revision relate to the similar issue before the Rent Controller, as such have been taken up together for disposal by this common order.

Learned counsel for the revision petitioner-tenant has argued that it is highly improbable that landlord will remain silent for a period of 13 years if the tenant has not paid rent. In this case, landlord-respondent had not taken any step for the realization of the rent till 2005 when he issued notice to the revision petitioner for the first time. The Rent Controller and Appellate Authority have not looked into the contention of revision

petitioner that he had paid rent upto the year 2009.

The question which arise for consideration in these revision petitiones is as to what facts Rent Controller could take into consideration while assessing the provisional rent. At this stage, evidence regarding respective plea raised by the parties has not come on record and the Rent Controller has to rely on the documents on record regarding the rate and payment of rent. Learned Rent Controller had declined to accept the plea of landlord regarding the rate of rent in the absence of any document and applied the similar criteria while declining the plea of revision petitioner-tenant about payment of rent in the absence of any document in this regard. The Appellate Authority has discussed the Law on this point while dismissing the appeal filed by revision petitioner. Learned counsel for revision petitioner could not cite any Law that if the landlord has claimed arrears of rent of a particular period, the Rent Controller without any document on record at the time of assessment of provisional rent showing payment of rent of that period can reject the plea of landlord about the period for which the rent is claimed as due.

Learned Rent Controller has weighed the plea of the landlord and revision petitioner on the same scale while passing the impugned order, as such, I find no legal or factual infirmity therein calling for interference in the orders of Rent Controller or Appellate Authority. Consequently, these revision petitions have no merits.

Operation of impugned order was stayed under order dated 28.05.2012 and 30.05.2012 which were further clarified vide order dated 09.12.2016, which reads as follows:-

“Request for adjournment has been made by the counsel for the petitioner on the ground that he has to go to the school of his child and, therefore, would not be in a position to address arguments in the case today. Counsel for the respondent has no objection to the prayer made by counsel for the petitioner. However, since operation of the impugned order has been stayed, petitioner shall continue to be in possession of the demised premises provided he clears all the arrears of rent/mesne profits, if any, within a period of two weeks from today by depositing the same with the Rent Controller and shall continue to deposit the same each month by 7th day of the month concerned. One default on the part of the petitioner shall render interim order passed in his favour vacated.

Adjourned to 23.03.2017.

A photocopy of this order be placed on the files of the connected cases.”

Above order is clear and the petitioner was required to deposit all the arrears of rent within two weeks of that order. It will be for the Rent Controller to see as to whether above order has been complied with or not.

With the above observation, all these revision petitions are dismissed.

March 06, 2018.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***