

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

**C. R No. 3119 of 2017
Date of decision : 30.01.2018**

Amit Kumar

....Petitioner

versus

Jaspal Singh

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Harish Sharma, Advocate
for the petitioner.

Mr. Akshay Rawal, Advocate
for the respondent.

RITU BAHRI, J. (Oral)

The present petition is against an order dated 03.04.2017 passed by learned Rent Controller assessing the provisional rate of rent to be Rs.1750/- per month and directed the petitioners to pay an amount of Rs.1,21,250/- for the period of 63 months.

At the very outset, learned counsel for the respondent has referred to a judgment of this Court in a case of *Ajay Pratap Singh vs. Gurdial Singh and others, 2016(2) RCR (Rent) 475* to contend that in view of the judgment of *Harjit Singh Uppal v. Anup Bansal, 2011(3) RCR (Civil) 247*, the interim order determining the provisional rent is an order appealable under Section 15(1)(b) of the East Punjab Rent Restriction Act, 1949

Applying the ratio of the above mentioned judgment to the facts of the present case, the present petition is dismissed and liberty is

granted to the petitioner to file an appeal before the Appellate Court under Section 15 (1) (b) of the East Punjab Rent Restriction Act, 1949. It is ordered that the interim order dated 03.04.2017 will remain operative till the filing of the appeal. After appeal having been filed, it is will be discretion of Appellate Authority to pass any order in accordance with law. It is made clear that in case appeal is not filed within a period of 15 days of the receipt of certified copy of the order, the interim relief granted vide order dated 03.04.2017 will cease to operate.

30.01.2018

G Arora

(RITU BAHRI)
JUDGE

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