

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

CR-3817-2018 (O&M)

Date of Decision:-31.5.2018

Amit Kumar Pabbi

... Petitioner

Versus

Satinder Pal Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jaideep Verma, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

The petitioner/tenant assails order dated 8.5.2018, whereby the learned Rent Controller, Ludhiana, while assessing the rent of the demised premises as ₹ 1,500/- per month, has directed the tenant to pay an amount of ₹ 2.22 lacs towards arrears of rent alongwith interest @ 6% amounting to ₹ 82,695/- in addition to costs of ₹ 1,000/-.

The learned counsel, while assailing the impugned order, has submitted that the aforesaid assessment of rent and of the arrears of rent due has been made without any basis and that in fact the rent stands paid upto date. It has further been submitted that as per the prevalent practice in the market, no receipts are being issued by the landlords and that in these circumstances there possibly could not have been any documentary evidence in respect of the payment of rent. The learned counsel has further submitted that in the absence of the landlord having specifically stated

regarding issuance of receipts, it could not be held that the tenant was in arrears of rent.

I have considered the aforesaid submissions and have also perused the impugned order as well as other documents annexed with the present revision petition.

As far as the rate of rent is concerned, I find that the same is virtually admitted by the tenant in his written statement, a copy whereof has been annexed with the revision petition as Annexure P-2.

As far as the period, for which the tenant has not paid the rent, it is the case of the landlord that the tenant is in arrears of rent since 1.1.2006. In order to rebut the said assertions, the tenant has not been able to show anything that the rent for the said period had indeed been paid. Neither any receipt as regards for payment of rent has been brought on record nor it is the case that the rent had ever been paid by the tenant by way of cheque or bank draft. It was upon the tenant to have led some kind of evidence to establish the factum of payment of rent in respect of the period for which it is claimed.

In the absence of there being any evidence or document to this effect, I do not find any reason to interfere in the findings of the learned Tribunal to the effect that the tenant has been in arrears of rent with effect from 1.1.2006. Vide impugned order, the learned Rent Controller, Ludhiana has quantified the amount to be paid by defining the component of interest as well as the component of costs to be paid by the respondents. A reasonable time of about two months has been granted by the Rent Controller for making good the arrears of rent.

In these circumstances, I do not find any infirmity in the impugned order and the same is hereby upheld. There is no merit in the present revision petition and the same is dismissed.

31.5.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No