

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.4081 of 2018 (O&M)
Date of Decision: 26.06.2018

SHANKAR KUMAR SHAHNI

..... Petitioner

Versus

PIARA SINGH

..... Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Gurcharan Dass, Advocate
for the petitioner.

AJAY TEWARI, J. (ORAL)

The petitioner has challenged the order of the Rent Controller as well as of the Appellate Authority against fixing of provisional rent. The landlord had filed an eviction petition *inter alia* on the ground of non payment of rent. He had claimed that the petitioner had not paid rent @ Rs.8400/- per month since 2006. The petitioner however claimed that the rent was Rs.1500/- per month and he had been paid up to 2017. The Rent Controller noticed that as per law, it was for the landlord to prove the rate of rent while it was for the petitioner to prove the payment but in the present case neither the landlord could prove the rate of rent nor the petitioner could prove the payment. In the circumstances, the Rent Controller took the rate of rent as that which was alleged by the petitioner-tenant but the period of non payment as that alleged by the respondent-

landlord and ordered the petitioner to pay provisional rent for @ Rs.1500/- per month for a period of 10 years.

The petitioner had filed an appeal against the order passed by the Rent Controller, Ludhiana, before the lower Appellate Court, who while issuing notice granted interim relief to the petitioner to the extent that he required to pay 40% of the provisional assessed amount by the date fixed i.e. 02.07.2018. The petitioner has challenged that order.

I find no ground to interfere at this stage.

Revision petition is dismissed.

Since, the main case has been decided, pending application(s), if any, be also stands disposed of.

(AJAY TEWARI)
JUDGE

June 26, 2018
rajneesh

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No