

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.90 of 2016 (O&M)
Date of Decision: 03.04.2018

Virat Devgan

...Petitioner

VERSUS

Sardar Singh

..Respondent

BEFORE : HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr.Sanjay Tangri, Advocate, for the petitioner.

Mr.Ashok Kumar, Advocate, for the respondent.1.

RITU BAHRI, J. (Oral)

Petitioner/tenant has come up in revision against the order dated 17.12.2015 wherein, assessment of the provisional rent i.e. Rs.4,78,760/- has been ordered by the Rent Controller.

In view of the decision of this Court in *CR No.3290 of 2014*, titled "**Ajay Pratap Singh Vs. Gurdial Singh and others**" decided on 13.05.2015, on the basis of the judgment of Apex Court in **Harjit Singh Uppal Vs. Anup Bansal**, 2011(3) RCR (Civil) 247 and the judgment of a co-ordinate Bench of this Court in the case of **Asha Gupta Vs. Wg. Cdr. Shashank Sharma and another**, 2011(2) R.C.R. (Rent) 582, as well as the judgment of **M/s. Imperial Gardens Pvt. Ltd Vs. J.P. Singla and another**, 2012(1) R.C.R. (Rent) 405, the matter is no more *res integra* so far as the maintainability of the appeal against an order of assessment of provisional rent by the Rent Controller, is concerned.

In the above said judgments, it has been held that the order of determining provisional rent is an appealable order under Section 15(1) (b) of the East Punjab Urban Rent Restriction Act, 1949.

Counsel for the petitioner at this stage seeks permission to withdraw the present revision petition with liberty to file an appeal before the Appellate Authority.

The present revision petition is disposed of as withdrawn with liberty to avail alternative remedy, within a period of 15 days. In case the appeal is filed within a period of 15 days along with an application under Section 14 of the Limitation Act, the same may be entertained by the Appellate Authority.

03.04.2018

anil

(RITU BAHRI)
JUDGE