

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

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CR 9119 of 2017 (O&M)
Date of decision: 22.03.2018

Sandeep Bansal and another *Petitioners*

Versus

Dipesh Sekhri and others *Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Mukesh Mittal, Advocate with
Mr. Arun Bansal, Advocate
for the petitioners

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Rekha Mittal, J. (Oral)

The present petition directs challenge against order dated 14.08.2014 passed by the Rent Controller, Chandigarh whereby the Rent Controller assessed provisional rent @ Rs.15,000.00 per month and order dated 27.10.2017 passed by the Appellate Authority, Chandigarh, dismissing the appeal and upholding order dated 14.08.2014 passed by the Rent Controller.

Counsel for the petitioners would argue that the Rent Controller assessed provisional rent @ Rs.15,000.00 per month as against Rs.35,000.00 per month mentioned in the rent deed produced on record. It is further argued that the Appellate Authority dismissed the appeal primarily on the ground that the rent deed has not been proved in accordance with law. According to counsel, rent deed could be proved by the landlord only during the course of evidence but since the eviction order was passed by the

Rent Controller on account of failure of the tenant to pay provisional rent, land lord could not get an opportunity to prove the rent deed in accordance with law. However, counsel for the petitioners would inform that in pursuance of the eviction order passed by the Rent Controller, possession of the premises in question has been recovered by the petitioners.

Without commenting upon merits of the orders passed by the Courts, the present petition stands disposed of with liberty to the petitioners to take recourse to appropriate remedy in law to seek recovery of rent, if so advised. Any such proceedings initiated at the behest of the petitioners shall be disposed of by the civil Court, in accordance with law.

(Rekha Mittal)
Judge

22.03.2018
mohan bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No