

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

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CR-4677-2018 (O&M)
Date of Decision : 15.10.2019

Sandeep Kumar

.... Petitioner

Versus

Parmod Kumar Yadav and others

.... Respondents

2.

CR-4579-2018 (O&M)

Parmod Kumar Yadav

.... Petitioner

Versus

Sandeep Kumar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Arun Jindal, Advocate
for the petitioner in CR-4677-2018 and
for respondent No.1 in CR-4579-2018.

Mr. Neeraj Yadav, Advocate
for respondent No.1 in CR-4677-2018 and
for the appellant in CR-4579-2018.

Mr. K. Y. Singh, Advocate
for respondent No.2 in CR-4677-2018 and
for respondent No.3 in CR-4579-2018.

RAMENDRA JAIN, J. (ORAL)

By this common judgment, above titled two revisions,
are being disposed of, as similar facts are involved therein.

Landlord and tenant both through their respective revisions have assailed order of Appellate Authority, Jalandhar dated 22.05.2018, whereby it has fixed provisional rent of the demised shop at Rs.8,000/- per month, modifying the order of Rent Controller in this respect.

Grouse of the landlord is that the Appellate Authority ought to have fixed provisional rent of each shop at Rs.8,000/- per month under the tenancy of respondent-tenants on the basis of agreement dated 20.05.2001 (Annexure P-1) executed in between them fixing monthly rent at Rs.8,000/- for each shop, which escaped from its notice, while passing the impugned order. The Appellate Authority also did not consider request of the landlord qua 10% annual increase in the aforesaid agreed rent.

Contrary to it, grouse of the respondent-tenant is that impugned order has been passed in his absence, illegally proceeding him *ex parte*.

Having given anxious consideration to the rival submissions, it would be appropriate that by setting aside impugned order dated 22.05.2018, the parties should be relegated to the Appellate Authority, to put forth their respective case. The Appellate Authority, after hearing both the sides, shall fix the provisional rent by passing a fresh order, keeping in view the rent agreement and the prevalent market rate within one month from the date of receipt of certified copy of this order, so to be produced

by either of the parties.

Both the parties are directed to appear before the Appellate Authority on 24.10.2019.

Both the revisions stand disposed of, accordingly.

October 15, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No