

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

**Civil Revision No.4873 of 2014 (O&M)
Date of Decision: 06.05.2019**

Azad Bindu

..... Petitioner

VERSUS

Aseem Jain and another

..... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr.Achin Gupta, Advocate,
for the petitioner.

Mr. Vinod Kataria, Advocate,
for respondent No.1.

JAISHREE THAKUR, J.(Oral)

1. This is a revision petition that has been filed seeking to challenge the order of the Rent Controller, Faridkot dated 16.02.2011 vide which rent has been assessed at ₹ 700/- per month of the premises which are in occupation of the respondents herein.

2. In brief, the facts are that an application under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 was filed claiming rent from the respondents @ ₹ 3000/- per month. It was claimed that there was no rent note between the parties, however, since the rent in the prevailing area ranged between ₹ 2,700 to ₹ 4,000/- per month, the applicant-petitioner would be entitled to claim rent @ ₹ 3,000/- per month. On notice, the respondents put in an appearance and contested the said petition on the

ground that he was paying rent @ ₹ 700/- per month. In this regard he produced on record his account books as well as exhibits R-34 to R-36 pertaining to money orders sent reflecting that rent had been paid @ ₹ 700/- per month. On this basis, rent was assessed at ₹ 700/- per month which has been challenged by the petitioner being on the lower side.

4. Learned counsel appearing on behalf of the petitioner assails the said order on the ground that the rate of rent has been fixed erroneously while ignoring the evidence as adduced by the petitioner, which would reflect that the rate of rent is ranging between ₹ 2,700/- to ₹ 4,000/- per month. Moreover, counsel for the petitioner submits that eviction petition for ejectment has already been allowed on the ground of personal necessity.

5. Whereas learned counsel for the tenants argued that the petitioner landlord had rented out the premises which are adjacent to one Venus Boutique rented out @ ₹ 800/- per month and, therefore, the claim of ₹ 3,000/- per month was highly excessive. The Rent Controller taking into account the evidence that had been adduced on the record which pertains to the money orders and the account books came to hold that ₹ 700/- was rate of rent of the demises premises.

6. I have heard learned counsel for the parties and have perused the impugned order.

7. Admittedly, the Rent Controller has taken into account the exhibits on the record as adduced by the respondent - tenant reflecting that the rate of rent was ₹ 700/- per month while also taking into account the rate of rent of one Venus Boutique which is adjacent to the shop in dispute.

8. I do not find any infirmity in the impugned order, which has been passed on the basis of the evidence adduced and in case the ejectment order has been passed and appeal is to be filed against the same, the petitioner herein is at liberty to ask for the mesne profit regarding the premises in dispute which will be considered in accordance with law and the market value .

9. Disposed of accordingly.

06.05.2019

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes.

Whether reportable

No.