

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

**Civil Revision No. 2188 of 2019 (O&M)
Date of Decision: April 30, 2019**

Meera Devi and another

.....PETITIONERS

VERSUS

Rakesh Kumar

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.K.Liberhan, Advocate
for the petitioners.

Mr. Ullas Kapoor, Advocate
for the respondent.

SURINDER GUPTA, J.(Oral)

Heard.

As per the amended petition filed by the respondent/landlord on 07.05.2018, the petitioner/tenant had paid the rent from 01.08.2016 to 28.02.2017 @ 4800/- per month by depositing the same in his account. Similar deposits were made for the month of March, 2017 and April, 2017. Thereafter, from 01.05.2017 onwards, the rent was not paid by the tenant/petitioner.

Learned Rent Controller, Chandigarh vide order dated 27.02.2019 has assessed the provisional rent for the period from 01.08.2016 to October 2017 i.e. for 15 months @ 4500 per month, despite the fact that the rent from 01.08.2016 to 30.04.2017 was deposited by the tenant/petitioner in the account of landlord/respondent @ 4800 per month.

paid, the order passed by the Rent Controller, Chandigarh dated 27.02.2019 is not sustainable and is set aside. This petition is allowed with direction to the Rent Controller to again assess provisional rent for the period due as per the amended petition.

Learned counsel for the respondent has argued that the enhancement clause in the rent deed was ignored with the observation that it is not a registered document but rent note is a registered document. This fact will be looked into by the Rent Controller while assessing the provisional rent again.

If the tenant has paid the rent of any subsequent period after April, 2017, he will present relevant document before the Rent Controller which may be looked into.

(SURINDER GUPTA)
JUDGE

April 30, 2019.
Jyoti-II

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***