

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.5349 of 2019 (O&M)

Date of Decision.21.11.2019

Manish Kumar Soni and another

...Petitioners

Vs

M/s Vipul Motors and others

...Respondents

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioners.

Mr. Divanshu Jain, Advocate
for respondents No.1 and 2.

Mr. Kuljit Singh, Advocate for
Mr. Peeush Gagneja, Advocate
for respondent No.3.

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

-:-

JAISHREE THAKUR J. (ORAL)

This is revision petition that has been filed seeking to challenge the order of the Rent Controller, Abohar whereby he had assessed the provisional rent payable by the respondents herein. The rent as assessed was @₹16,500/- per month w.e.f. 04.01.2018 to 27.02.2018, which amounted to ₹1,74,081/- and along with costs and interest, the total amount due was assessed at ₹1,76,574/-.

Aggrieved against the inadequate assessment of rent, the landlord-petitioner herein has challenged the said order.

Mr. Divanshu Jain, learned counsel appearing for respondents No.1 and 2, at the very outset, has raised a legal submission that instant revision petition is not maintainable, in view of the judgment rendered by the Hon'ble Supreme Court in Harjit Singh Uppal Vs. Anup Bansal 2011 (3) RCR (Civil) 247 and of this Court in Taninder Tandon Vs. Dr. Anjan

Parkash Kaur 2015 (1) Rent LR 191 and *Ajay Partap Singh Vs. Gurdial Singh 2015 (3) LAR 251*. Mr Jain would contend that against the said order an appeal ought to have been filed.

Faced with the judgments as rendered in the cases cited above, Mr. Khunger seeks to withdraw the instant revision petition with liberty to file appeal before the Appellate Authority, while praying that the delay in filing the said appeal before the Appellate Authority be condoned, which request is objected to by Mr. Divanshu Jain on the ground that valuable right has already accrued to him, since he has already deposited the provisional rent as assessed.

I have heard learned counsel for the parties and in view of the judgments as cited above, I am constrained to hold that the revision petition against the order of provisional rent would not be maintainable in the High Court. The petitioner herein ought to have filed an appeal challenging the said order.

The revision petition is dismissed, however, giving liberty to the petitioner herein to file an appeal before the Appellate Authority and in case, he moves an appropriate application under Sections 5 and 14 of the Limitation Act, the same will be decided in accordance with law.

(JAISHREE THAKUR)
JUDGE

November 21, 2019

Pankaj*

Whether speaking/reasoned Yes

Whether reportable No