

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-7147-2019 (O&M)

Date of decision: 14.11.2019

Aman Sood

...Petitioner

Versus

Kaushalya Devi

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Satbir Rathore, Advocate,
for the petitioner.

Mr. V.B. Aggarwal, Advocate,
for the respondent.

JAISHREE THAKUR, J. (ORAL)

1. This is a revision petition that has been filed under Article 227 of the Constitution of India for quashing of order dated 03.02.2017 (Annexure P-1) passed by the Rent Controller, Kurukshetra and order dated 14.10.2019 (Annexure P-2) passed by the Appellate Authority, Kurukshetra whereby the provisional rent has been assessed @ ₹ 43,750/- per month.

2. Learned counsel for the petitioner would contend that the said provisional rent has been assessed without there being sufficient evidence on the record. It is argued that in fact a rent note had been executed on 28.02.2014 by the husband of the previous owner and the petitioner-tenant whereby the agreed rate of rent was ₹ 25,000/- per month and, therefore, the provisional rent assessed @ ₹ 43,750/- per month is highly excessive.

3. Mr. V.B. Aggarwal, Advocate on caveat has put in an appearance and would argue that by order dated 06.07.2017 the Appellate Authority had passed an interim order directing the petitioner herein to deposit rent @ ₹ 28,000/- per month w.e.f. 26.01.2017 with a further direction that he would continue to make the said deposit till the decision of the appeal in question. It is argued that the petitioner herein is in default of the said order itself. However, he is not averse to the petitioner herein to deposit the rent in terms of the order dated 06.07.2017.

4. I have heard learned counsel for the parties and in view of the agreement having been arrived at between the parties it is hereby directed that the petitioner herein would comply with the order dated 06.07.2017 as passed by the Appellate Authority in letter and spirit.

5. Needless to say, any amount paid would be adjusted. Let compliance of the order dated 06.07.2017 be made within a period of four weeks as of date. It is also made clear that in case there is any non-compliance of the said order, the respondent herein would be entitled to seek his ejectment in terms of the judgment rendered in ***Rakesh Wadhawan vs. M/s Jagdamba Industrial Corporation, 2002(1) RCR (Rent) 514.***

5. Revision petition stands disposed of in the aforesaid terms.

14.11.2019

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.