

In the High Court of Punjab and Haryana at Chandigarh

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CR-1566-2020 (O & M)

Date of Decision: March 03, 2020

DARSHAN BAWA

.....PETITIONER

VERSUS

NARINDER PAL SINGH

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Ms. Neetu Singh Aashat, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has impugned the order dated 03.10.2019 passed by the Rent Controller assessing the provisional rent and the order dated 04.02.2020 passed by the Appellate Authority whereby his appeal there against has been dismissed.

Learned counsel for the petitioner contends that as the petitioner had been paying the rent to the respondent-landlord ever since he had taken the premises on rent on 10.04.2011, the application preferred by the respondent for provisional rent could not have been allowed. She also contends that the petitioner had made the payment from July, 2013 till April, 2019 to the respondent, who had not issued the receipts there against. The rent for six months had been paid through cheques for the period from December, 2017 till May, 2018.

Heard.

The Rent Controller by the order dated 03.10.2019 had assessed the provisional rent at the rate of ₹3307/- per month w.e.f. July, 2013 with an annual increase at the rate of 5 % per annum as per the terms of agreement. It

was the case of respondent-landlord that rent w.e.f. July, 2013 had not been paid to him. The petitioner-tenant had denied the averment that the rent had not been paid as he had stated that the rent was paid regularly to the respondent-landlord but he had not issued any receipt in that regard. It was also stated that six cheques for a sum of ₹3500/- were paid during the period i.e. from December, 2017 till May, 2018. However, no document had been placed on record by the petitioner-tenant to indicate that he had made the payment of rent w.e.f. July, 2013 till December, 2017. The payment of rent through cheques had only been made from December, 2017 till May, 2018 and the six cheques paid during this period for a total amount of ₹21,000/- had been taken into account by the Rent Controller while holding that out of the total arrears of rent w.e.f. July, 2013 this amount would be set off. Therefore, as the petitioner-tenant had not been able to produce any document or any other evidence to indicate that he had paid the rent from July, 2013, the orders passed by the Courts below cannot be faulted. The petitioner-tenant had made payment through cheques only in December, 2017 and in the event that the respondent-landlord was not issuing any receipts, he could have made the payment w.e.f. July, 2013 through cheques but he did not do so.

Consequently, I do not find any infirmity in the impugned order assessing the provisional rent w.e.f. July, 2013. The petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

March 03, 2020

A.Kaundal

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