In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 4083 of 2002 (O&M)

Date of Decision: 05.03.2020

Hazari Lal

... Petitioner(s)

Versus

Hari Ram (since deceased) through his L.Rs

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. Salil Bali, Advocate
for the petitioner(s).

Mr. Sanjay Mittal, Advocate
for respondent No.2-Naresh.

Anil Kshetarpal, J.

The landlord has filed the present revision petition against the judgment passed by the learned Appellate Authority accepting the appeal filed by the tenant. The question is what should be the fair rent as per the provisions of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (hereinafter referred to as "the Act").

The learned Rent Controller applied Sub Section (3) to Section 4 of the Act and revised the rent. However, the learned Appellate Authority, after noticing that the building was constructed before 31.12.1961 and as per Section 4(2)(a) of the Act, the rent prevailing in the locality for similar building or rented land let out to a new tenant during the year 1962, is required to be determined first of all, accepted the appeal.

Learned counsel for the parties, after arguing for some time, have arrived at a consensus. They submit that let the landlord be granted an

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opportunity to lead evidence because the learned Rent Controller had only increased the rent on the basis of formula prescribed in Sub Section (3) to Section 4 of the Act.

In view thereof, the orders passed by the learned Rent Controller as well as the learned Appellate Authority are set aside. The learned Rent Controller is requested to provide an opportunity to both the parties to produce their evidence and thereafter, decide afresh. The parties, through their learned counsel, are directed to appear before the learned Rent Controller on 18.03.2020.

The miscellaneous application(s), if any, shall also stand disposed of.

(Anil Kshetarpal)
Judge

March 05, 2020
"DK"

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No

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