

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

114

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IN VIRTUAL COURT

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**CR No. 498 of 2021
Date of decision : 22.3.2021**

Suresh Kumar Verma and another

.....Petitioners

Vs.

Kulwant Kaur

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Karan Singla, Advocate, for the petitioners

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Article 227 of the Constitution of India read with Section 115 CPC seeking quashing of order dated 22.1.2021, whereby the Rent Controller has fixed the provisional rent to be paid by the petitioner/tenant and the order dated 17.1.2020, passed by the Rent Controller, whereby the application moved by the petitioner under Order 7 Rule 11 CPC for rejecting the rent petition, has been dismissed.

Notice of motion.

Mr. Sanjay Jangra, Advocate appearing for caveator accepts notice on behalf of the respondent.

Heard counsel for the parties.

A bare perusal of the order fixing the rent shows that the same has been fixed only after the relation of landlord and the tenant was not disputed. The tenancy in question is stated to be the subject matter of a lease deed. The rent has been fixed as per the terms of the lease deed and only at the rates

which was already agreed to by the parties. Hence, this Court does not find anything amiss in the order passed by the Court below; qua fixing of the provisional rent.

So far as the dismissal of the application moved under Order 7 Rule 11 CPC is concerned, the Rent Controller has; firstly; given a reasoning that the provision of a wrong Act was mentioned in the rent petition, however, by way of an amendment, the same already stands corrected with due permission of the Rent Controller. The second ground in support of the application was that the mandatory notice, as contemplated under the Punjab Rent Act, 1995 was not given by the respondent. However, the Rent Controller has observed in the order that the pleadings of the landlord in the rent petition do show an assertion that the requisite notice was served upon the present petitioner/tenant. Needless to say, that for the purpose of decision of an application under Order 7 Rule 11 CPC, only the pleadings in the plaint are to be seen and not their veracity or the truthfulness; as such. Hence, since the pleadings in the rent petition contained an assertion qua giving the legal notice, therefore, the application has rightly been dismissed by the Rent Controller.

No other point was argued.

In view of the above, finding no merit in the present petition, the same is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

22.3.2021

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No