

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

**CR-1691-2013 (O&M)**

**Reserved on: 16.11.2022**

**Pronounced on: December 23, 2022**

Budh Parkash Tayal

..... Petitioner

*Versus*

Naresh Yadav

..... Respondent

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present:- Mr. Lokesh Sinhal, Advocate for the petitioner.  
Mr. Amit Jain, Sr. Advocate with  
Ms.Aeshna Jain, Advocate for the respondent.

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**HARKESH MANUJA,J.**

By way of present revision petition, challenge has been made to an order dated 17.09.2012 passed by the Rent Controller as well as the order dated 18.12.2012 passed by Appellate Authority, Faridabad; whereby order passed by Rent Controller for fixation of rent @ Rs.4000/- per month has been affirmed.

Facts of the case are that the respondent-landlord (hereinafter referred to as 'the respondent') claiming himself to be absolute owner of Shop No.3 forming part of property bearing Khewat No. 68/61, Khatoni No. 79 min. Rect. No. 25, Killa No. 19/3 min (0-8) situated within the abadi deh of Village Sarai Khawaja, Tehsil and District Faridabad filed an eviction petition against the petitioner / tenant (hereinafter referred to as 'the petitioner'), on the ground of arrears of rent from January 2009 to November 2009 @ Rs.14000/- per month and on account of his bonafide personal necessity for the purpose of setting up a Departmental Store.

In response, petitioner appeared and filed his written statement, disputing the rate of rent by stating that instead of Rs.14000/- per month the rent was Rs.400/- per month. The plea of bonafide requirement of the respondent was also denied and disputed.

Rent Controller vide its order dated 17.09.2012 dismissed the eviction petition filed at the instance of respondent, thereby rejecting his plea of bonafide necessity as well as the ground of non-payment of rent. The Rent Controller also adjudicated upon the rate of rent by assessing it to be Rs.4000/- per month, however, holding that no amount was due against the petitioner.

Aggrieved against the aforesaid order of Rent Controller, two separate appeals were filed i.e. Rent Appeal No. 10 of 2012 at the instance of petitioner challenging the rate of rent fixed at Rs.4000/- per month; whereas Rent Appeal No. 11/2012 by respondent, challenging the findings recorded by the Rent Controller on both the grounds i.e. arrears of rent as well as bonafide necessity.

First Appellate Court vide impugned judgment dated 18.12.2012 dismissed both the appeals, thereby affirming the order passed by the Rent Controller while upholding the rent at the rate of Rs.4000/- per month, besides non-suiting the respondent on the point of his bonafide necessity. It is the aforesaid order dated 18.12.2012 passed by the first Appellate Court in Rent Appeal No. 10 of 2012 which has been impugned by way of present revision petition questioning the findings recorded against the petitioner/ tenant on the point of rate of rent.

Learned counsel for the petitioner submits that the fixation of rent @ Rs.4000/- per month by the Courts below as regards the tenanted premises was highly excessive and without any basis. He further submits that in fact, the petitioner was paying rent @ Rs.400/- per month only and there was no reason for the Courts below to have determined the rent @ Rs.4000/- per month in the absence of any documentary proof in this regard.

On the other hand, learned counsel for respondent submits that the rate of rent was in fact, Rs.14000/- per month, however, the Courts below after relying upon the House Tax Assessment register of the Municipal Corporation pertaining to the year 2008-2009, went on to assess the same @ Rs.4000/- per month. Learned counsel further submits that in fact from the oral evidence produced by the respondent, the rate of rent was duly proved on record as Rs.14000/- per month.

I have heard learned counsel for the parties and perused the paper-book as well as findings recorded by the Courts below. In the present case, besides the oral assertion based on the pleadings and the deposition made by the witnesses, there was no document produced on record by the petitioner as well as the respondent so as to establish their respective stand regarding the rate of rent to be Rs.400/- per month & Rs.14000/- per month, respectively and as such considering the oral deposition made by the witnesses besides even the entries in the House Tax Assessment register pertaining to the year 2008-2009, the Courts below rightly determined the rent @ Rs.4000/- per month by taking holistic approach.

In the present case even the conduct of the parties in dispute is of some significance as none of them ever impugned assessment of rent @ Rs.4000/- per month made provisionally by the Rent Controller at the initial stage.

Learned counsel for the petitioner has not been able to refer to any document to the contrary and as such finding no illegally or perversity with the concurrent finding of fact recorded by the Courts below, enabling me to interfere with the same while exercising the revisional jurisdiction under Section 15 (6) of the Haryana Urban (Control of Rent and Eviction) Act. Accordingly, the revision petition is dismissed.

December 23, 2022  
sanjay

( HARKESH MANUJA )  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |