

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR No.1448 of 2022 (O&M)****Date of Decision: 26.04.2022**

Capt. Amrit Pal Singh

....Petitioner

VERSUS

Parveen Guraya

....Respondent

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Sumit Bajaj, Advocate for the petitioner.

**ALKA SARIN, J.**

The challenge in the present revision petition is to the order dated 15.11.2021 passed by the Rent Controller assessing the provisional rent @ Rs.47,000/- per month from 01.10.2017 till 30.11.2021 along with interest and costs totalling Rs.26,51,625/- and to the order dated 21.12.2021 passed by the Appellate Authority whereby the appeal preferred by the tenant-petitioner against order dated 15.11.2021 has been dismissed.

The facts in brief, as available on the file and from the *zimni* orders available on the website of the District Court, Chandigarh, are that the landlady-respondent had filed an ejectment application seeking eviction of the tenant-petitioner from the premises in dispute on the ground of non-payment of rent. Vide impugned order dated 15.11.2021 the Rent Controller provisionally assessed the arrears of rent from 01.10.2017 till date (30.11.2021) @ Rs.47,000/- per month totaling Rs.23,50,000/-, interest was assessed at Rs.2,99,625/- and costs were assessed at Rs.2,000/-. The matter was adjourned to 23.12.2021 for payment of the provisional rent. The tenant-petitioner filed an appeal (RA-37-2021) against the order dated

15.11.2021 passed by the Rent Controller. However, vide impugned order dated 21.12.2021 the said appeal was dismissed.

On 23.12.2021 the Rent Controller passed an ejectment order (Annexure P-7) against the tenant-petitioner for having failed to make payment of the provisionally assessed arrears of rent.

On 23.12.2021 the tenant-petitioner filed an application before the Appellate Authority for review of the order dated 21.12.2021 passed in RA-37-2021 whereby his appeal against the order dated 15.11.2021 was dismissed. On 21.01.2022 the tenant-petitioner filed an appeal (RA-11-2022) before the Appellate Authority against the ejectment order dated 23.12.2021 (Annexure P-7). On 09.03.2022 the Appellate Authority passed the following order in the said appeal (RA-11-2022) :

*“Vakalatnama by the learned counsel for the respondent filed. Reply to the application under Order 39 Rule 1 & 2 read with Section 151 CPC filed, copy supplied.*

*At this stage, it has been revealed by the learned counsel for the parties that one appeal regarding the same case has been decided by the court of Ms. Anshu Shukla, learned Appellate Authority, Chandigarh concerning the assessment of provisional rent. It was further disclosed by the learned counsel for the parties that one review application is still pending before that learned Court-Appellate Authority. On view application is still pending before that learned Court-Appellate Authority. On this, the learned counsel for the respondent has submitted at*

*bar that grounds of challenge in that appeal and the appeal in hand are more or less same and he has no objection in case the present appeal is also dealt with by that learned Court. In these given facts and circumstances of the case, let the present case file complete in all respects be put up before the learned District & Sessions Judge, Chandigarh with the request for passing appropriate orders, on 10.03.2022 at 10:00 AM sharp.*

*Ahlmad is directed to send the case file complete in all respect well in time.*

*Parties/their counsel are directed to appear in that learned Court on the date fixed.”*

Thereafter, on 10.03.2022 the learned District Judge, Chandigarh passed the following order :

*“Reference made by the Court of Sh. Narender, learned Appellate Authority, Chandigarh has been perused, wherein it is mentioned that the appeal pending between the parties concerning the assessment of rent was decided by the Court of Ms. Anshu Shukla, learned Appellate Authority, Chandigarh and review application is pending there. Accordingly, in the interest of justice, the reference is accepted and the present case bearing RA No.11 of 2022 titled as Capt. Amrit Pal Singh vs. Parveen Guraya is ordered to be withdrawn from the*

*Court of Sh. Narender, learned Appellate Authority, Chandigarh and is transferred to the Court of Ms. Anshu Shukla, learned Appellate Authority, Chandigarh, for disposal accordance with law. File be sent to the transferee Court immediately for 11.03.2022. Counsel for the parties shall cause appearance before the transferee Court on the said date.”*

Thus, the appeal of the tenant-petitioner against the ejectment order dated 23.12.2021 (Annexure P-7) and his application for review in the fixation of provisional rent proceedings are pending before the Appellate Authority.

Learned counsel for the tenant-petitioner would contend that a total fraud has been committed by the landlady-respondent in the present case inasmuch as a forged and fabricated document has been prepared as a rent agreement and that the tenant-petitioner is residing in the premises in dispute since 2012. It has further been contended that the tenant-petitioner had paid an amount of Rs.20 lakhs to the husband of the landlady-respondent who had promised to execute a sale deed *qua* the premises in dispute in favour of the tenant-petitioner, however, the same was not done and subsequently the present ejectment application has been filed. It is further the contention that the landlady-respondent is not the landlord in the present case inasmuch as the premises in dispute stands confiscated in a corruption case bearing No.56 of 2013 titled as ‘CBI vs. B.S. Goraya’.

I have heard learned counsel for the tenant-petitioner.

At the outset a query was posed to learned counsel for the tenant-petitioner as to what was the basis of the arguments raised before this

Court with regard to forging of documents by the landlady-respondent and payment of Rs.20 lakhs to the husband of the landlady-respondent inasmuch as there are no such pleas raised in the written statement (Annexure P-6) filed by the tenant-petitioner. It was candidly admitted by the counsel for the tenant-petitioner that no such pleas were raised in the written statement. A perusal of the written statement (Annexure P-6) filed by the tenant-petitioner clearly reveals that the only ground taken therein was that the premises in dispute stood confiscated in a corruption case and hence the landlady-respondent was no longer owner of the premises in dispute. A perusal of the written statement (Annexure P-6) further reveals that in para 2 it has clearly been admitted that the landlady-respondent had inducted the tenant-petitioner as tenant though learned counsel for the tenant-petitioner has argued that the words used are 'indicted as tenant' and not 'inducted as tenant' and hence it could not be read as an admission. The word 'indicted', which is the past tense of 'indict', means to officially charge somebody with a crime. A word cannot be read in isolation and has to be read in the context in which it has been used and from the plain reading of para 2 of the written statement it cannot be said that the word sought to be used is 'indicted' and not 'inducted'.

Further, the argument of learned counsel for the tenant-petitioner that the premises in dispute stands confiscated would also be of no avail inasmuch as it has been straight forwardly admitted that the order passed by the Special Judge, CBI Court has since been stayed by this Court vide order dated 20.12.2017.

On yet another query being put by this Court as to whether any action has been initiated by the tenant-petitioner *qua* the fact that no sale deed has been executed in favour of the tenant-petitioner despite having paid an amount of Rs.20 lakhs to the husband of the landlady-respondent, learned counsel for the tenant-petitioner has stated that a civil suit has been filed, however, only after the filing of the ejectment petition.

In the impugned order dated 21.12.2021 passed by the Appellate Authority it has also been noticed that the application under Order VII Rule 11 CPC was dismissed by the Rent Controller vide order dated 21.12.2020 and, thereafter, the tenant-petitioner filed an application for rejection/return of the petition which was also dismissed holding that the application seems to have been filed only to delay the proceedings.

In view of the above and especially in view of the fact that the arguments raised before this Court do not find any basis in the written statement filed by the tenant-petitioner and in the absence of any evidence to the contrary to show that the monthly rent was not Rs.47,000/- as agreed to vide rent deed dated 02.06.2016, I find no illegality or infirmity in the orders passed by the authorities below.

The present revision petition being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

26<sup>th</sup> April, 2022  
jk

( ALKA SARIN )  
JUDGE

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO