

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

125

CR No.2790 of 2022 (O&M)

Date of Decision : 22.07.2022

Manish Kumar Soni and Anr.

....Petitioners

VERSUS

M/s Vipul Motors through its partner Raj Kumar and Ors.Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. A.K. Khunger, Advocate for the petitioners.

ALKA SARIN, J. (Oral)

The present revision petition has been preferred by the landlord-petitioners against the impugned order dated 15.03.2022 passed by the Appellate Authority, Fazilka.

Learned counsel for the petitioners would contend that the matter has been remanded on the ground that there is a typographical mistake in calculation of the assessment of the rent. It is further the contention that while remanding the matter, a finding has been given by the Appellate Authority that being an unregistered rent note, the clause of enhancement of rent contained therein could not be looked into.

I have heard learned counsel for the petitioners.

In the present case, vide the impugned order the Appellate Authority has remanded the matter back to the Rent Controller on the ground that there is a typographical mistake while assessing the rent. The only grievance of the landlord-petitioners is that a finding has been given that an unregistered rent note could not be looked into to the extent where a clause for enhancement of rent has been incorporated. A perusal of the impugned order reveals that it has been noticed that the said enhancement

clause in the rent note could not be enforced at this preliminary stage. It is further clarified that it will be open to the landlord-petitioners to argue *qua* the enforcement of the enhancement clause in the rent note at the time of final adjudication. Upon hearing learned counsel, it is made clear that any observation made by the Appellate Authority in the impugned order dated 15.03.2022 or herein shall not be treated as an expression of opinion on the merits of the case.

The present revision petition stands disposed off in the above terms. Pending applications, if any, also stand disposed off.

22.07.2022
jk

(ALKA SARIN)
JUDGE

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