

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2337 of 2021 (O&M)

Date of Decision: 29.09.2022

Ravinder Arora

... Petitioner(s)

Versus

M/s Hotel Ocean and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Divanshu Jain, Advocate
for the petitioner(s).

Mr. Rajesh Khurana and Mr. Sachin Khurana, Advocates
for the respondents.

Anil Kshetarpal, J.

1. During the pendency of the landlord's eviction petition, filed under Section 20 of the Punjab Rent Act, 1995, seeking eviction of the tenant, the Rent Controller as well as the Appellate Authority has proceeded to make provisional assessment of the arrears of rent, the correctness whereof is challenged before this Court.

2. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

3. The learned counsel representing the petitioner (tenant) contends that both the Courts below have erred in overlooking the transfer of the amount of rent through bank in favour of the landlord as well as his wife.

On the other hand, the learned counsel representing the respondents submits that this argument was never taken up before the Courts below.

4. The petitioner is not claiming the payment in cash. He claims that the amount has been transferred through bank transfers. In such circumstances, the Rent Controller is required to pass a fresh order of provisional assessment of the rent after taking into account the payment, if proved to have been made to its satisfaction, within a period of one month from today.

5. With the observations made above, the present revision petition is disposed of.

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

(Anil Kshetarpal)
Judge

September 29, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No