

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

CR No.2870 of 2022
Date of decision: 25th July, 2022

Ram Singh

... Petitioner

Versus

Mohan Lal & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Navkesh S. Goraya, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

The petitioner/landlord is impugning an order dated 04.10.2021 vide which learned Rent Controller, Ludhiana has assessed provisional rent of the shop in question and order dated 20.05.2022 of learned Appellate Authority, Ludhiana affirming the aforesaid findings of the Rent Controller.

Learned counsel inter alia contends that the impugned order passed by the Rent Controller deserves to be set aside as the Court had failed to consider the relevant facts and material which had been placed on the record before it. He further submits that provisional rent in the sum of ₹ 1,000/- per month which had been assessed by the Rent Controller, was on the face of it, on the lower side. It was submitted that as per the rent agreement dated 02.02.1995, the rate of rent was agreed upon in the sum of ₹ 1,200/- per month which was to increase at

the rate of 5% per annum with effect from February 1996. However, the Rent Controller failed to take into account the said condition while assessing the aforementioned provisional rent. It was also urged that even though it was brought to the notice of the Rent Controller that the prevailing rent in the vicinity of the demised premises was much higher than ₹ 1,000/-; however, the said fact was yet again ignored by the Rent Controller while passing the impugned order. In support, learned counsel has placed reliance upon a judgment passed by this Court in **‘Giani Ajit through Attorney Pritpal Singh vs. Maninder Pal Singh & others’ CR No.4793 of 2019.**

I have heard learned counsel for the petitioner and perused the relevant material on record.

The petitioner has produced a photocopy of the rent agreement dated 02.02.1995 which is an unregistered document hence, the order of the Rent Controller cannot be faulted with for rightly ignoring the above said unregistered document. It needs to be noticed that at the stage of assessing provisional rent, the learned Rent Controller has to prima facie satisfy itself qua the rate of rent on the basis of the material on record. Any such assessment made with respect to provisional rent by the Rent Controller is subject to final adjudication on the question of rate of rent. It is well settled that if the Rent Controller after final adjudication of the inquiry, arrives at a

conclusion that the quantum of arrears of rent, as determined finally, is much more than what was provisionally assessed as rent, the Rent Controller is empowered to direct the tenant to deposit any such additional amount. Furthermore, the submission made by the learned counsel that the Rent Controller ignored the rent prevailing in the vicinity of the demised premises while assessing the provisional rent, deserves to be rejected. It would be relevant to point out here that vide impugned order, the learned Rent Controller has only assessed the provisional rent and not the mesne profits. The Rent Controller is not required to consider the rate of rent prevailing in the vicinity of the demised shop. Rather, it is just supposed to restrict its inquiry at this stage to the material on record in the form of documents and admissions.

The case relied upon by the learned counsel would not come to his rescue as it pertains to the assessment of mesne profits and not provisional rent. The present petition being devoid of any merit stands dismissed in limine.

(MANJARI NEHRU KAUL)
JUDGE

July 25, 2022

rps

Whether speaking/reasoned Yes/No

Whether reportable Yes/No