

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

CR-4826-2022 (O&M)
Decided on : 29.10.2022

M/s Ghar Shingar Paints and others

..... Petitioners

Versus

Parminder Kaur

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Suhdir Paruthi, Advocate
for the petitioners.

Manjari Nehru Kaul, J.(Oral)

The petitioners-tenant are impugning the orders dated 16.09.2022 passed by Rent Controller, Jalandhar and 20.10.2022 vide which the Appellate Authority affirmed the order dated 16.09.2022 passed by the Rent Controller.

Learned counsel for the petitioners submits that the impugned orders are patently erroneous, being contrary to the settled principles of law and thus, deserve to be set aside. Learned counsel has vehemently urged that the Rent Controller erred in assessing the provisional rent w.e.f. October, 2018 till September 2022 (except for the months of April and May, 2019). Learned counsel submits that it is a settled principle of law that provisional rent has to be assessed only till the date of the filing of the rent petition and not beyond the same. Therefore, the petitioners are not liable to make any payment of provisional rent as assessed by the Rent Controller and later erroneously affirmed by the Appellate Authority for the period

subsequent to the date of filing of the rent petition particularly when it was not even due on the date when the rent petition in question was instituted. In support of his submissions, learned counsel has placed reliance upon the judgments of the Coordinate Bench of this Court in ***Sat Pal vs. Kesar Singh, 1968 PLR 834 and Sunder Krishan vs. Murari Lal, 2003(1) RCR (Rent) 239.***

Heard learned counsel for the petitioner and perused the relevant material available on record.

This Court does not find any merit in the submissions made by learned counsel that the provisional rent for the period subsequent to the date of filing of rent petition till the date of order of assessment could not have been assessed by the Rent Controller.

It would be relevant to observe here that the expression “arrears of rent” for the purpose of assessment of provisional rent would also include the rent payable by the tenant for the period subsequent to the filing of the rent petition till the date when the provisional rent is assessed by the Rent Controller. The Rent Controller cannot be expected to turn a blind eye to the arrears of rent, which may have become due during the course of the adjudication upon the question of provisional rent in view of the fact that judicial process does tend to consume a long time. A view to that contrary would without a doubt result in multiplicity of litigation as the landlord would then be forced to initiate successive proceedings for recovery of rent against the defaulting tenant.

In the instant case, learned counsel for the petitioners has not disputed that the petitioners have not paid any rent to the respondent

subsequent to the institution of the rent petition. Therefore, the Courts below cannot be faulted with for passing the impugned orders.

This Court is in respectful disagreement with the ratio of law laid down in *Sat Pal's case(supra)* and *Sunder Krishan's case(supra)* in which great deal of reliance has been placed upon by the counsel for the petitioners. The legislative intent behind providing for assessment and payment of provisional rent is to ensure that the landlord is not deprived of arrears of rent during pendency of the eviction proceedings. Further, mere delay in assessment of provisional rent cannot be a ground to deprive the landlord of the rent, which has become due till the day of assessment of provisional rent.

As a sequel to above, this Court is not inclined to invoke its revisional jurisdiction to set aside the impugned order. Accordingly, the present petition being devoid of any merit, stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

29.10.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No