

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

CR-5616-2022 (O&M)
Date of decision: 02.12.2022

M/s Hind Motors (Scooter Division)

....Petitioner

Versus

M/s Navdesh Autos LLP and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. M.L.Saggar, Sr. Advocate with
Ms. Armaan Sagar, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

Complaining delay in passing the order for the provisional assessment of the rent, the landlord has come up in the revision petition. The attention of the Court has been drawn to a previous civil revision i.e CR 614 of 2022 filed between the parties, which was disposed of on 4th August, 2021 with the following order:-

“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this petition, the petitioner, who claims to be a landlord of the tenanted premises, prays for issuance of an appropriate direction to the Rent Controller to pass a provisional order for the assessment of rent.

Sh. Chetan Mittal, the learned senior counsel representing respondent no.3 submits that in view of the conduct of the petitioner, it is not entitled to any direction. He further submits that the respondents-tenants are required to be given an opportunity to file a reply. It has been noticed that due to the outbreak of COVID-19 pandemic, the Rent Controller could not take up the case till the month of February, 2021. On the one hand, there is anxiety on the part of the landlord to expedite the matter and on the other hand,

the tenants want an opportunity to file their reply.

Keeping in view the aforesaid facts, the respondents are granted 10 days time to file their reply/written statement to the petition filed under Section 13 of the East Punjab Urban Rent Restriction Act, 1949. Thereafter, the Rent Controller would proceed in accordance with law and pass an order within the next 15 days.

With these observations, the revision petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.”

Learned senior counsel has submitted that a subsequent petition under Section, 13 of the East Urban Punjab Rent Restriction Act, 1949 complaining further default in payment of rent from 1st. December, 2021, is also pending. The tenant entered appearance on 30th March, 2022. However, the Rent Controller has not passed the order as required for provisionally assessing the rent, costs and interest. It has been pointed out that rent petition is now coming up for hearing on 14th December, 2022.

Without expressing any opinion on the merits of the case, the present revision petition is disposed of while requesting the Rent Controller to pass the order assessing the provisional rent on the date already fixed i.e 14th December, 2022 or within a period of one week with thereafter.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

02.12.2022

rekha

Whether speaking/reasoned :

Whether reportable :

Yes/No

Yes/No

(ANIL KSHETARPAL)
JUDGE