

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

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**CR-7698-2019 (O&M)
Date of Order: 11.03.2022**

ASHWANI KUMAR SINCE DECEASED THROUGH HIS LRS.

..Petitioner

Versus

HARMESH KHAN

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Rupinder Kaur Thind , Advocate
for the petitioner.

Mr. M.S. Khaira, Sr. Advocate
with Mr. Ripudaman Singh Sindhu, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

The petitioner assails the correctness of order passed by the Appellate Authority while assessing the provisional rent. It may be noted here that such provisional rent is not final and is subject to the final adjudication by the learned Rent Controller where the trial is pending.

The learned counsel representing the petitioner contends that the Appellate Authority has erred in reducing the amount of provisional rent at the rate of Rs.4,000/- per month. He submits that as per the rent note dated 02.03.1989, the rate of rent of the demised shop was Rs.4,000/- in the year 1989.

Per contra, the learned Senior Counsel representing the respondent-tenant has submitted that the aforesaid rent note is not with the respondent. Only a photocopy of the aforesaid rent note has been tendered without bringing any material in support thereof.

The Appellate Authority has recorded the following reasons to interfere with the provisional assessment:-

- i. The landlord did not make mention of rent note or the name of the previous tenant in his pleadings.
- ii. In the year 1986, the rate of rent was not so high.
- iii. No documentary evidence of the unimpeachable character has been produced by the landlord to establish his claim.

Sh. M.S. Khaira, learned Senior Counsel, has also pointed out that there was no electricity in the shop in question.

On appreciation of facts, the Appellate Authority has passed an order of provisional assessment of rent which is subject to the final adjudication by the Rent Controller. The eviction petition is pending for the last six years.

Keeping in view the aforesaid facts, no ground to interfere with the order passed by the Appellate Authority is made out in exercise of revisional jurisdiction.

Dismissed.

However, the Rent Controller is directed to decide the rent petition within a period of nine months, from today, positively.

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

March 11th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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