

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

**CR No.5914 of 2022
Date of Decision:14.12.2022**

Surinder Pal Kaur

.....Petitioner

Vs.

Rajwinder Singh and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. K.S. Dadwal, Advocate for the petitioner.

DEEPAK GUPTA, J.

This revision is directed by the tenant (respondent before trial Court) against the impugned order dated 10.11.2022 (Annexure P.12) passed by learned Rent Controller, Ludhiana in Rent Petition titled as **Rajwinder Singh Vs. Surinder Pal Kaur CNR No.PBLD02-006318-2017** whereby provisional rent in respect of the demised premises was assessed. It will be apt to reproduce the relevant portion of the impugned order which reads as under:-

“3. Perusal of the case file shows that the present rent petition has been filed under Section-20 of Punjab Rent Act, 1995 on the ground of arrears of rent, personal necessity and on the ground of nuisance. It is relevant to mention here that earlier the respondent moved an application for adjusting the payments made by him to Yugraj Singh and the said application was dismissed vide order dated 02.09.2021. Relationship between the parties is not disputed and rate of rent is also not disputed. No rent receipt with regard to the payment of rent to the

petitioner was placed on record by the respondent. Moreover, the respondent admitted that he has not made payment to petitioner rather he contended that he started to make the payment of rent to one Yugraj Singh. Meaning thereby it is admitted that the respondent has not made any payment to petitioner. The interpleader suit filed by the respondent has already been dismissed. Section 20(2) of Punjab Rent Act 1995 provides grounds for recovery of possession of any premises which was given on rent by landlord Section 25 of Punjab Rent Act provides that interim rent can be assessed by the court at the request of the parties. It is well settled law that onus to prove rate of rent is upon the landlord and onus to prove payment of rent is always upon the respondent/ tenant. No rent receipts with regard to payment of rent to the petitioner was placed on record by the respondent. As per new Punjab Rent Act, the ground of arrears of rent has been made absolute ground for eviction. As per Section 25 of Punjab Rent Act only interim rent for the pendente lite period can be assessed. Accordingly, interim rent is assessed as following:

Interim Rent for pendente lite period at the rate of Rs.9932/- per month w.e.f. August-2017 to October-2022 (63 months)	63 months X Rs.9932/- = Rs.6,25,716/-
Interest	Rs.1,00,114.56/-
Cost	Rs.1,000/-
Total	Rs.7,26,830.56/-

It is contended by learned counsel that inter-pleader suit has been filed by respondent No.3- Yugraj Singh, to whom the petitioner- tenant had started paying rent. However, without taking into consideration the rent receipts is-

CR No.5914 of 2022

sued by respondent No.3- Yugraj Singh, learned Rent Controller has assessed the provisional rent.

After considering submissions of learned counsel and perusing the paper book, I find no merit in this revision.

It is conceded position that it is the respondent No.1 & 2, who rented out the demised premises to the petitioner- tenant. Neither the said tenancy nor the last agreed rate of rent to be ₹9932/- per month is in dispute. The inter-pleader suit as pleaded by the petitioner-tenant has already been dismissed.

It is contended by learned counsel that inter-pleader suit has been dismissed in default only and is likely to be restored. However, it is conceded by learned counsel that in the alleged inter-pleader suit, petitioner was never directed by any Court to pay the rent to respondent No.3- Yugraj Singh. If petitioner at her own has paid the rent to respondent No.3, who has nothing to do with the tenancy, then petitioner herself is to blame.

The learned Rent Controller did not commit any error in assessing the provisional rent. As such, I do not find any illegality or perversity in the impugned order.

Dismissed.

December 14, 2022
renu

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No