

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

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**CR No.477 of 2023 (O&M)
Date of decision: 23.01.2023**

Harinder Pal Singh

....Petitioner

Versus

Palvinder Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Saleem Malik, Advocate for the petitioner.

B.S.WALIA, J.(Oral)

1. Challenge in the instant petition is to order dated 05.05.2022 passed by the learned Rent Controller, Jalandhar as well as order dated 28.10.2022 passed by the Appellate Authority, Jalandhar making provisional assessment of rent of the premises in question.

2. Learned counsel contends that the rent @ Rs.10,500/- per month as per assessment made by the learned Rent Controller in an earlier ejectment petition was paid by the petitioner upto February 2018 but the learned Appellate Authority did not consider the same despite receipts in support of payment of rent upto February 2018 having been produced before the learned Appellate Authority at the time of arguments.

3. A perusal of paragraph 7 of the judgment of the Rent Controller, Jalandhar as well as paragraph No.10 of the judgment of the learned Appellate Authority reveals that the petitioner-respondent had failed to produce any document such as receipt or acknowledgment of payment of rent.

4. Faced with the aforementioned position, Learned counsel for the petitioner seeks permission to withdraw the instant petition with liberty

to move an appropriate application before the Appellate Authority with regard to proof of payment of agreed monthly rent of the premises in question @ Rs.10,500/- upto February 2018 as claimed to have been produced before the Appellate Authority.

5. In view of the position stated above and the statement made by learned counsel for the petitioner, the instant petition is dismissed as withdrawn with the liberty as prayed for.

23.01.2023
Meenu

(B.S.Walia)
Judge

<i>Whether speaking/non speaking</i>	: <i>Yes/no</i>
<i>Whether reportable</i>	: <i>Yes/No</i>