

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

CR-589-2023 (O&M)

Date of Decision: 02.02.2023

Shivala Diwan Banna Mal Committee

....Petitioner

Versus

Satwant Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Saurav Bhatia, Advocate
for the petitioner.

ARUN MONGA, J. (ORAL)

Petition herein is for setting aside order dated 01.12.2022 (Annexure P-9) passed by the Ld. Rent Controller, whereby the application of review of order dated 05.07.2022 (Annexure P-5) has been dismissed

2. Brief recitals as pleaded in the petition are that the petitioner/landlord filed a petition (misdescribed as suit) seeking eviction of the respondents/tenant from the shop in question. The petitioner had taken an affirmative stand that rent was subject to increase @ 10% after every 3 years. Petitioner also filed an application for assessment of rent and took a specific plea that the rent to be increased from 14.08.1995. Respondents appeared and filed a reply thereto. However, vide order dated 05.07.2022 (Annexure P-5) the Ld. Rent Controller had assessed the rent from the date as averred by the respondents i.e. from July, 2016. Thereafter, the petitioner approached the Ld. Rent Controller for reviewing order dated 05.07.2022 (Annexure P-5). However, the same was also dismissed by the Ld. Rent Controller vide impugned order.

3. I have heard learned counsel for petitioner and have gone through the case file.

4. Petitioner before this Court is aggrieved against the alleged wrong computation of the rent assessed by the Ld. Rent Controller during pendency of the adjudication on the eviction petition preferred by the petitioner/landlord. Concededly, vide impugned order, what has been ascertained/assessed is merely a provisional rent during pendency of the proceedings. Therefore, none of the rights of either side have been finally adjudicated so as to warrant interference of this Court under the revisional jurisdiction. Proceedings are still pending at the stage of evidence. It will be open to the petitioner/landlord to adduce evidence in support of its claim that the rent ought to have been assessed at a higher rate than what has been done vide impugned order directing the respondents/tenants to pay provisional rent during pendency of the proceedings.
5. Resultantly, there is no room for interference at this stage.
6. Disposed of accordingly.
7. Pending civil miscellaneous application(s), if any, also stands disposed of.

(ARUN MONGA)
JUDGE

February 02, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No