

In the High Court of Punjab and Haryana at Chandigarh

103-2

CR-1857-2019 (O & M)

Date of Decision: February 06, 2023

MAMTA BHATIA AND ANOTHER

.....PETITIONERS

VERSUS

RAJ KUMAR BHATIA

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Sandeep Arora, Advocate for the petitioners.

Mr. V.K. Sandhir, Advocate for the respondent.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioners have challenged the orders of the Rent Controller and the Appellate Authority dated 17.12.2018 and 07.03.2019 respectively whereby petitioner No.1/tenant has been directed to pay the provisional rent of Rs.1,75,000/- per annum and the appeal filed thereagainst has been dismissed.

Learned counsel for the petitioners submits that the provisional rent, which has been fixed for one plot, is highly excessive. Petitioner No.1 is in occupation of 07 plots which comprise of total area of 900 square yards and, therefore, for one plot comprising 126 square yards cannot fetch rent of Rs.1,75,000/- per annum.

Learned counsel for the respondent submits that the petition had been filed with regard to plot No.4 only which is owned by the respondent, who is the father-in-law of petitioner No.1 herein. The tenancy has been admitted by petitioner No.1, who is carrying out commercial activity at the plot. He further submits that rent of Rs.1,75,000/- cannot be said to be on the higher side.

Heard.

The application had been preferred by the respondent for assessment of provisional rent. The premises in dispute comprises of plot No.4 which is situated at New Golden Avenue, Jaura Phatak, Amritsar. It is not in dispute that it is situated in a busy commercial locality. The petitioner is stated to be carrying out her embroidery business from the premises. Plot No.4 is stated to be in the ownership of the respondent while 06 other plots, which is also stated to be under the possession of petitioner No.1, are not under the exclusive ownership of the respondent. The tenancy had been admitted by petitioner No.1.

In view of the above, I do not find any infirmity in the orders of the Courts below whereby provisional rent has been assessed as Rs.1,75,000/- per annum.

At this stage, learned counsel for the petitioners submits that he may be granted liberty to agitate the question of payment of provisional rent exclusively with regard to plot No.4 before the Rent Controller in accordance with law.

Learned counsel for the respondent does not object to the same.

Consequently, the petition stands dismissed with aforesaid liberty to the petitioners.

(ANUPINDER SINGH GREWAL)
JUDGE

February 06, 2023
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No