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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-2489-2023 (O&M)
Date of decision : 10.05.2023

Tushar Puri ... Petitioner(s)

Versus

Romesh Kumar Goel ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Bhupinder Singh, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been preferred against the order dated 06.04.2023 whereby the Rent Controller has assessed the provisional rent as Rs.1,62,356/-. The tenant-petitioner aggrieved by the said order has preferred the present revision petition.
2. Learned counsel for the tenant-petitioner would contend that in the lease deed dated 10.01.2013, though in para 2 it has specifically been stated that there would be an enhancement of 5% every year, however, in para 16 it has been stated that the lease rent is a fair rent as per the prevailing market rates and the lessee has accepted it as a standard rent, hence, there would be no increase in the rent.
3. I have heard learned counsel for the tenant-petitioner.

4. In the present case, the lease deed dated 10.01.2013 entered into between the parties which has been appended with the present petition is signed by both the parties. Para 2 of the lease deed reads as under :

“2. That the Lease has been granted for a period of 11 months from 05.01.2013. The period of tenancy may be extended for the further period only on the option of the Lessor and in that event the rate of rent shall be as mutually agreed and at minimum enhancement of 5% every year.”

The said clause specifically refers to an increase of 5% on the prevailing rent after completion of each year. Based on the said lease deed, the rent has been assessed.

5. Learned counsel for the tenant-petitioner has contended that the agreed rent was Rs.13,000/- per month and hence the assessment has wrongly been made by the Rent Controller.

6. The present revision petition has been filed without availing the remedy of an appeal. A Division Bench of this Court in the case of **Tirlok Singh Anand Vs. M/s Prem Chand and Sons & Ors. [2013 (1) RCR (Civil) 488]** specifically held that an order passed by the Rent Controller under Section 13 of the Act is an appealable order. The Division Bench decided the issue as to which of the orders are appealable before the Appellate Authority and which are revisable. In para 29, the Division Bench has held as under :

“Therefore, we answer the questions framed by holding

that in terms of the notification dated 14.04.1947, orders passed by the Rent Controller under Sections 4, 10, 12 & 13 alone are appealable in both the States of Punjab and Haryana and that all other orders passed by the Rent Controller are not subject matter of appeal. Orders other than the orders which are appealable, can be disputed only by way of a revision petition before this Court.”

7. Learned counsel for the tenant-petitioner has not been able to convince this Court that the provision of an appeal can be given a go-by and the petitioner can approach this Court directly by filing a revision petition.

8. In view of the above, the present revision petition is dismissed as not being maintainable.

9. Dismissed. Pending applications, if any, also stand disposed off.

10.05.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO