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

CR No. 2669 of 2023 (O&M)

Date of decision: 02.05.2023

Raj Kumar

..... Petitioner

Versus

Harminder Singh Taneja and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Vaibhav Narang, Advocate, for the petitioner.

Mr. Vaibhav Sehgal, Advocate, for the caveators/respondents.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 31.03.2023 passed by the Appellate Authority, Ludhiana (for short - 'Appellate Authority') whereby the appeal preferred by the respondents against the order dated 21.02.2023 passed by the Rent Controller, Ludhiana (for short - 'Rent Controller'), has been accepted and the provisional rent has been assessed as ₹2,400/- per month.

2. Learned counsel for the petitioner submits that the provisional rent has been correctly assessed by the Rent Controller as ₹600/- per month and no enhancement was called for. The Appellate Authority has erroneously relied upon the rent note although the authenticity of the rent note is yet to be established. In support of his submissions, he has relied upon the judgment of this Court in the case of **Lalita Devi versus Vivek**, CR No.1812 of 2022, decided on 17.05.2022.

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3. Issue notice to the caveators/respondents.
4. Mr. Vaibhav Sehgal, Advocate, accepts notice on behalf of the caveators/respondents and submits that the rent note in question has been rightly relied upon by the Appellate Authority, as it pertains to a shop in the vicinity of the demised premises which was let out at a rent of ₹2,400/- per month in the year 2011. In support of his submissions, he has relied upon the judgment of this Court in the case of Sukhjinder Singh versus Khushwant Rai Joshi, CR No. 2121 of 2019, decided on 28.11.2019.
5. Heard. The demised premises which comprises of Shop No. 4, Property No. 55/12 (MC No. B-18-2390), Jawahar Nagar Camp, Ludhiana, is stated to have been let out by the respondents to the petitioner in the year 2003 at the rent of ₹600/- per month. The Rent Controller had assessed the provisional rent at the rate of ₹600/- per month, but the Appellate Authority while allowing the appeal has enhanced the provisional rent to ₹2,400/- per month. I take judicial note of the fact that the shop in question is situated in the commercial city Ludhiana. The rents have increased manifold since 2003. The demised premises had been given on rent at the rate of ₹600/- per month in the year 2003 while the rent note which has been relied upon pertains to the year 2011 wherein similar premises had been rented for a sum of ₹2,400/- per month. The authenticity of the rent note would be determined by the Rent Controller at the conclusion of the trial.
6. Therefore, I do not find any infirmity in the impugned order passed by the Appellate Authority assessing provisional rent at the rate of ₹2,400/- per month. The judgment of this Court in Lalita Devi's case (supra)

relied upon by learned counsel for the petitioner would not help his case as in that case no argument with regard to quantum of provisional rent had been raised. The provisional rent had been paid and it was argued that the rent agreement was forged and fabricated. This Court held that specific issue in this regard had been framed by the Rent Controller and declined to interfere under revisional jurisdiction.

7. Consequently, the petition stands dismissed.
8. Pending application(s), if any, shall stand disposed of accordingly.

02.05.2023
Ramesh

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No