

2023:PHHC:085608

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR-3790-2023 (O&M)
Date of Order: 07.07.2023

Santosh Dua

.Petitioner

Versus

Sumit Sharma

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vivek Goyal, Advocate, for the petitioner.

ANIL KSHETARPAL, J

1. The Appellate Authority constituted under the Haryana Urban (Control of Rent and Eviction) Act, 1973, after taking into consideration various rent receipts signed by late husband of the landlady, has set aside the order of provisional rent passed by the Rent Controller. The case is yet at a preliminary stage. The tenant cannot be forced to pay the amount of rent without giving him/her an opportunity to prove the aforesaid receipts.

2. At this stage, the learned counsel representing the petitioner contends that the order of provisional rent was passed on 11.04.2023 and the Appellate Authority has overlooked the fact that the tenant did not pay rent @ Rs.15,000/- per month even after the institution of the petition.

3. Keeping in view the aforesaid facts, the revision petition is disposed of with liberty to the petitioner to file an appropriate application before the Appellate Authority for adjudicating about the payment of rent with respect to the period after the petition was instituted in the context of the receipts.

4. All the pending miscellaneous applications, if any, are also disposed of.

July 07, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO