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

CR-4710-2022 (O&M)
Reserved on : 23.01.2023
Date of decision : 31.01.2023

Piyush Bhalla

.....Petitioner

Versus

Mohit Kumar

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Himanshu Puri, Advocate for
Mr. Sunny K. Singla, Advocate for the petitioner.

ALKA SARIN, J.

The present revision petition has been filed by the landlord-petitioner under Article 227 of the Constitution of India challenging the orders dated 01.09.2022 (Annexure P-4) and 28.07.2022 (Annexure P-3) by the Authorities below. The Rent Controller vide order dated 28.07.2022 (Annexure P-3) assessed the provisional rent @ Rs.2,000/- per month from 24.10.2020 along with interest @ 6% per annum and the costs were assessed as Rs.1,000/-. Aggrieved by the said order, the landlord-petitioner preferred an appeal which was dismissed vide order dated 01.09.2022 (Annexure P-4).

The grievance of the landlord-petitioner is that he is claiming that the tenant-respondent is in arrears of rent since 2011. However, the tenant-respondent took a stand that the amount stood paid to the earlier landlord upto 23.10.2022. The demised premises i.e. shop was earlier owned

by one Mr. Vijay Bhalla who transferred the shop in the name of the landlord-petitioner vide Transfer Deed dated 23.10.2020. Learned counsel for the landlord-petitioner has laid much stress on the fact that in the Transfer Deed it was stated that the rent for the past period could be claimed by the landlord-petitioner herein and, therefore, rent ought to have been provisionally assessed from 2011.

As rightly held by the Appellate Authority, there is no period mentioned in the Transfer Deed from when the tenant-respondent is alleged to be in arrears of rent. It has further been noted that since 2011 no petition claiming arrears of rent was filed by the earlier landlord, hence, it would be a matter of evidence as to whether the landlord-petitioner was entitled to recover the arrears of rent as claimed from 01.04.2011.

In view of the above, I do not find any illegality or infirmity in the orders passed by the Authorities below. The present revision petition, which is wholly devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

Dismissed.

31.01.2023

Yogesh Sharma

**(ALKA SARIN)
JUDGE**

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