

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

136

CR-5603-2023 (O&M)

Date of Decision: 12.10.2023

Dilshad

...Petitioner

Versus

Amrinder Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amit Kashyap, Advocate for the petitioner.

HARKESH MANUJA, J. (oral)

CM-17548-CII-2023

Application is allowed as prayed for.

Main case:

1. By way of the present revision petition, challenge has been made to the orders dated 28.07.2022 and 31.07.2023 passed by the Rent Controller as well as the Appellate Authority, SAS Nagar (Mohali), whereby the assessment of provisional rent has become final.
2. Briefly stating, the respondent-landlord filed an eviction petition against the petitioner-tenant qua demised premises with the averments that petitioner was inducted as tenant by virtue of a registered rent deed for a period of one year i.e. from 01.03.2017 to 04.03.2018 at a monthly rent of Rs.32,000/- with the condition that if he failed to pay arrears of rent he was liable to be evicted.

3. On the contrary, it was stated by the learned counsel for the petitioner-tenant that the premises was rented out for a period of 3 years, as per clause 6 of the rent agreement a sum of Rs. 5,62,900/- was paid to respondent-landlord which was never adjusted in the eviction petition. The Rent Controller vide order dated 28.07.2022 assessed the provisional rent to the tune of Rs.18,94,480/- with rate of rent being Rs. 32,000/- per month and the arrears of rent from 05.03.2018 to 04.07.2022 besides interest payable thereupon as well as cost assessed by the Court. Aggrieved thereof, petitioner-tenant filed first appeal, however, the same was dismissed by the First Appellate Authority vide judgment dated 31.07.2023.

4. Impugning aforementioned orders, learned counsel for the petitioner submits that while making the provisional assessment of rent, the authorities below failed to take into consideration a sum of Rs.5,62,900/- which was paid in advance by petitioner-tenant to the landlord and thus, the assessment of provisional rent was illegal.

5. No further arguments have been addressed.

6. I have heard the learned counsel for the petitioner and gone through the paper-book.

7. A perusal of orders passed by the authorities below show that, total provisional rent payable by petitioner-tenant is Rs.18,94,480/- and thus even if Rs.5,62,900/- as allegedly paid by petitioner-tenant in favour of respondent-landlord is adjusted, still a sum of around Rs.13,00,000/- remains to be paid against which on a

specific query, it has been stated that he is not in a position to discharge the liability. Resultantly finding no merits in the present petition there being no illegality and perversity in the orders passed by the authorities below, the present petition is hereby dismissed.

8. Pending application(s), if any, shall stand(s) disposed off.

12.10.2023

Mangal Singh

(HARKESH MANUJA)
JUDGE

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No