

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

119

2023:PHHC:135262

**1. CR-8451-2018 (O&M)
Date of decision: 17.10.2023**

M/S MANHAS CHEMICALS & SCIENTIFIC ..Petitioner

Versus

HARIJAN DHARAMSHALA SOCIETY (REGD.) ..Respondent

2. CR-8452-2018 (O&M)

M/S MANHAS CHEMICALS & SCIENTIFIC ..Petitioner

Versus

HARIJAN DHARAMSHALA SOCIETY (REGD.) ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. N.S. Dadwal, Advocate
for the petitioner.

Mr. Arpan Sabharwal, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. Both these revision petitions pertain to two separate shops given on rent to the petitioner by the Harijan Dharamshala Society (respondent herein). The respondent-Society has filed two separate petitions under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, seeking ejectment of the petitioner-firm from shop No.3 and 5 on various grounds including the non-payment of rent. The tenant has contested the petition by asserting that he has paid the rent upto 17.06.2016. He has placed on file copies of receipts dated 17.06.2016.

2. The learned Rent Controller has provisionally assessed the rent while directing the tenant to pay the provisional rent at the rate of Rs.1,000/-

per month with effect from January, 2007 till date while adjusting Rs.12,000/-. The correctness of the aforesaid order has been challenged by the tenant in these revision petitions. It has been projected that the petitioner-tenant is regularly paying rent against receipts, however, there is a dispute with regard to the management of the respondent-Society, which is causing problems for the petitioner.

3. This Court considered the submissions of the learned counsel representing the parties.

4. While assessing the rent provisionally, the Court does not finally adjudicate the matter. In this case, the learned Rent Controller has directed the petitioner to pay the rent for a period of more than 11 years, although, the tenant has produced the receipts showing the payment of rent till January, 2016. This is not a final assessment of the rent. The parties are yet to be given an opportunity to lead evidence. If the tenant fails to tender the amount, which has been provisionally assessed, he shall be liable to be evicted. In such circumstances, the assessment is required to be made keeping in view the material placed on file. The tenant has produced certain receipts, validity whereof is yet to be determined, however, the landlord is not expected to sit idle if the rent is not paid for more than 11 years.

5. Keeping in view the aforesaid facts, the order passed by the learned Rent Controller is modified. The provisional assessment of rent at the rate of Rs.1,000/- is maintained. However, he shall be liable to tender the rent at the rate of Rs.1,000/- from February, 2016. The question of payment of the remaining rent, if any, shall be finally adjudicated by the trial Court while deciding the main case.

6. With these observations, both the revision petitions are disposed of.
7. All the pending miscellaneous applications, if any, are also disposed of.

October 17th, 2023 (ANIL KSHETARPAL)
Ay JUDGE

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