

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-1702-2024 (O&M)
Date of decision : 18.03.2024

Shree Atma Nand Jain Sabha (Regd.) ... Petitioner(s)

Versus

Mohd Anwar ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Imran Farooqi, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed by the landlord under Article 227 of the Constitution of India challenging the order dated 21.04.2023 (Annexure P-7) passed by the Appellate Authority.
2. The Rent Controller vide order dated 23.03.2023 assessed the provisional rent under Section 25(2) of the Punjab Rent Act, 1995. The rent assessed alongwith costs was Rs.1,26,470/-. Aggrieved by the same an appeal was preferred before the Appellate Authority by the respondent. The Appellate Authority vide order dated 21.04.2023 had adjourned the case and the same admittedly is still pending. The order dated 23.03.2023 was stayed by the Appellate Authority only to the extent of the escalation clause with a direction to the respondent to pay the rent @ Rs.4,000/- per month alongwith interest and costs.
3. Learned counsel for the petitioner would contend that the escalation clause ought to have been taken into consideration while assessing the provisional rent as rightly done by the Rent Controller.

4. I have heard the learned counsel for the petitioner.
5. In the present case the appeal is admittedly still pending before the Appellate Authority. Vide order dated 21.04.2023 the order dated 23.03.2023 was stayed by the Appellate Authority only to the extent of the escalation clause with a direction to the respondent to pay the rent @ Rs.4,000/- per month alongwith interest and costs, failing which the stay order would stand vacated. The learned counsel for the petitioner is unable to point out any illegality or irregularity in the impugned order coupled with the fact that the appeal is still pending.
6. In view of the above, the present revision petition being devoid of any merits is accordingly dismissed. Pending applications, if any, also stand disposed off.

18.03.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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