

2024.PHHC.090470



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CR-3395-2023(O&M)
Date of decision : 18.07.2024

Vs.

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Mr. S.P.S. Aulakh, Advocate
for the respondent.

1. The petitioner herein is a tenant. The proceedings seeking his eviction is pending before the Rent Controller. During the aforesaid proceedings, an application for assessing the provisional rent was filed as the landlord alleges that the tenant has failed to pay the rent and is liable to be evicted on the ground of non-payment of the rent. The Rent Controller assessed the provisional rent @ Rs.700 per month, which in appeal has been increased as per the terms of the rent note between the parties.

2. Learned counsel representing the petitioner submits that such un-registered rent note/rent agreement is not admissible in evidence. It does not find any substance because the Hon'ble Supreme Court in **'Siri Chand (dead) through LRs vs. Surinder Singh'**, 2020(6) SCC 288, has held that

even un-registered rent note can be relied upon to assess the amount of rent. In any case, only provisional rent has been assessed. Even, if the petitioner pays some amount in excess than what is due, the same can very well be adjusted towards future rent. It would be noted here that the amount has already been paid.

3. Hence, the revision petition stands dismissed.
4. All the pending miscellaneous applications, if any, are also disposed of

18.07.2024
neeraj

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No