

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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2024:PHHC:017720

1. CR-1609-2021 (O&M)
Date of decision: 08.02.2024

SATISH AGGARWAL ..Petitioner
Versus

MEHAR CHAND ..Respondent

2. CR-1650-2021 (O&M)

SATISH AGGARWAL ..Petitioner
Versus

SUSHMA @ KUSUM LATA ..Respondent

3. CR-1652-2021 (O&M)

SATISH AGGARWAL ..Petitioner
Versus

LADDI @ SAGAR ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Karan Singla, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. As many as three different petitions filed by the petitioner under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as the '1949 Act'), are pending before the Court of Rent Controller. As per the provisions of the 1949 Act, the powers have been given to the Rent Controller to assess the provisional rent in order to give opportunity to the tenant to pay the same.

2. In this case, the learned Rent Controller assessed the provisional rent at the rate of Rs.1,000/- per month. The Appellate Authority has set aside the order and assessed the provisional rent at the rate of Rs.6/- per month as the tenant had produced receipts showing that the rent was being paid at the rate of Rs.6/- per month only for each premises.

**CR-1609-2021 (O&M) and
other connected cases****-2-**

3. The learned counsel representing the petitioner submits that the amount is ridiculously low and the Appellate Authority should have applied the realistic standard to assess the provisional rent.

4. This Court has considered the submissions of the learned counsel representing the petitioner.

5. While assessing the provisional rent, the Court is required to examine the material which has been placed on file. In this case, the landlord claims that the last paid rent was Rs.4,000/- per month with stipulation to increase the same at the rate of 10% per annum. However, he failed to produce any document in support of his contention.

6. On the other hand, the tenant produced the number of receipts showing payment of Rs.6/- per month as rent. These receipts have been allegedly issued by the landlord. The landlord does not dispute the correctness of the same. There is no material to prove that the rent was ever enhanced.

7. Furthermore, the Court of Rent Controller has only made the provisional assessment of the rent as of now. The final assessment with respect to payment of rent is yet to be made by the Court after permitting the parties to lead evidence.

8. Hence, no ground to interfere is made out.

9. Dismissed accordingly.

10. All the pending miscellaneous applications, if any, are also disposed of.

February 08th, 2024**(ANIL KSHETARPAL)
JUDGE**

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