



CR-4801 of 2024

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129 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4801 of 2024
Date of decision : August 27, 2024

Shiv Dayal

..... Petitioner

Versus

Tilak Raj and another

..... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA

Present : Mr. Shadab Ahmad, Advocate
for the petitioner.

DEEPAK GUPTA, J (Oral)

1. The petitioner is aggrieved by the impugned order dated 08.08.2024 passed by the Rent Controller, Ambala, to the extent that provisional rent in respect of demised premises has not been assessed.

2. A perusal of the impugned order would reveal that the Rent Controller has taken into account the fact that respondent of the petition i.e. the tenant has specifically denied the relationship of landlord and tenant between the parties by asserting to be owner of the suit property by virtue of a court judgment/decreed in his favour.

3. The contention of the learned counsel for the petitioner is that operation of the judgment/decreed as referred by the tenant, has been stayed by this Court.

4. Only the operation of the judgment has been stayed and the same has not been set aside. The fact remains that the tenant is denying the relationship of landlord and tenant between the parties, therefore, Rent



Controller rightly declined to assess the provisional rent. In case, ultimately the relationship of landlord and tenant is established, and the ground of ejectment is proved, the court will be at liberty to dispose of the matter in accordance with law.

5. Another prayer made by learned counsel is to permit him to take his replication on record. Learned counsel assures this Court that he will not press the learned Rent Controller to recast the issues. Prayer to that extent is allowed. The Rent Controller is directed to take the replication of the petitioner on record.

6. The present petition stands disposed of.

(DEEPAK GUPTA)
JUDGE

August 27, 2024
archana

Whether speaking/reasoned	Yes
Whether Reportable :	No