



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR-6571-2017 (O&M)

Date of Decision : 02.04.2025

Pritam Kaur

....Petitioner

VERSUS

Harish Kumar

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sarju Puri, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. The challenge in the present revision petition is to the assessment of provisional rent by the Rent Controller.
2. Hon'ble Supreme Court in case of **Rakesh Wadhawan vs. M/s Jagdamba Industrial Corporation [2002(1) RCR (Rent) 514]** has held as under :

“30. To sum up, our conclusions are:

1. to 4. xx xx xx

5. *If the final adjudication by the Controller be at variance with his interim or provisional order passed under the proviso, one of the following two orders may be made depending on the facts situation of a given case. If the amount deposited by the tenant is found to be in excess, the Controller may direct a refund. If, on the other hand, the amount deposited by the tenant is found to be short or deficient, the Controller may pass a conditional order directing tenant to place the landlord in*

possession of the premises by giving a reasonable time to the tenant for paying or tendering the deficit amount, failing which alone he shall be liable to be evicted. Compliance shall save him from eviction.”

3. It has specifically been held by the Hon’ble Supreme Court in case of **Rakesh Wadhawan** (*supra*) that in case at the time of final adjudication by the Rent Controller the amount is at variance with the provisional order of assessment and the amount is found to be short or deficient, the Controller has to pass a conditional order directing the tenant to pay the deficit amount, failing which he is liable to be evicted.

4. In view of the above, there is no ground to interfere in the present revision petition at this stage.

5. Disposed off. Pending applications, if any, also stand disposed off.

6. Needless to say that the petitioner would always be at liberty to raise all the pleas before the Rent Controller. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

(ALKA SARIN)
JUDGE

02.04.2025

jk

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