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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-708-2019 (O&M)

Date of decision: 03.11.2025

Kulwinder Singh

...Petitioner

Versus

Sarup Chand

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Sonia G. Singh, Advocate for the petitioner.
Mr. Sanjiv Gupta, Sr. Advocate with
Mr. Aayush Bansal, Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 22.02.2018 (Annexure P-8) passed by the Rent Controller, Sangrur vide which the Court below had assessed the rent to be paid as Rs.1,57,918/-.

2. A perusal of the paperbook would show that the respondent had filed an application under Section 13 of the East Punjab Urban Rent Restriction Act for eviction of the present petitioner from the shop in question. Vide order dated 22.02.2018, the present petitioner was held to be in arrears of rent in the sum of Rs.1,57,918/- and accordingly, provisional assessment of rent was done. Admittedly, an appeal filed by the petitioner against the said provisional assessment of rent had been dismissed vide order dated 10.01.2019.

3. On 03.07.2019, a Coordinate Bench of this Court had passed the following order:-

*“Present:- Ms. Shailja Sharma, Advocate for
Ms. Sonia G. Singh, Advocate for the petitioner.
Mr. Sanjiv Gupta, Advocate for the respondent.*

Learned counsel for the respondent contends that the instant petition has been rendered infructuous since entire payment provisionally assessed has already been deposited by the petitioner



*herein, which has been accepted by the respondent under protest keeping his rights open to agitate the matter in view of the judgment rendered by the Apex Court in the case of **Rakesh Wadhawan vs. M/s Jagdamba Industrial Corporation, 2002(1) RCR(Rent)514.***

On request of learned counsel for the petitioner, adjourned to 21.11.2019.

July 03, 2019”

4. Learned counsel for the petitioner has submitted that the petitioner has already deposited provisional amount of rent assessed and has submitted that the present revision petition be disposed of with liberty to the petitioner to raise all the pleas during the course of trial to show that the amount which the petitioner was required to deposit as provisional assessment was already paid by the petitioner.

5. Learned Senior counsel for the respondent has submitted that even the respondent be permitted to raise the plea that no amount of rent was paid by the petitioner and provisional assessment has been rightly done.

6. Keeping in view the abovesaid facts and circumstances and fair stand taken by learned counsel for the petitioner as well as learned Senior counsel for the respondent, the present revision petition is disposed of while upholding the impugned order, by granting liberty to both the parties to raise their respective pleas which have been raised before this Court, at the time of final arguments and the Court would consider the same in accordance with law after hearing both the parties concerned.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

03.11.2025

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No