



CR-6329-2025

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(125)

CR-6329-2025(O&M)
Date of Decision:-10.09.2025

Ajay Kumar

.....Petitioner

Versus

Sunita Gupta & Others

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Randhir Singh Hooda, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present revision petition arises out of RA-10-2021 titled *Ajay Kumar Vs. Sunita Gupta & Others*, preferred against orders dated 08.11.2021 and 22.11.2021 (Annexures P-1 & P-2 respectively) passed in RP-06-2021, whereby the learned Rent Controller, Gurugram, erroneously assessed the provisional rent on the higher side by accepting the landlord's assertion as gospel truth. Vide the instant civil revision, the petitioner-tenant seeks setting aside of the aforesaid orders as well as order dated 23.07.2025 passed by the learned Appellate Authority in RA-10-2021, whereby the appeal preferred by the petitioner-tenant was dismissed merely on conjectures and surmises.

2. Brief facts of the case are that the ejectment petition was filed by Anil Kumar (since deceased) against respondents-Sunita Gupta & others. In the written statement, it was stated that in 2008 the monthly rent of the shop was Rs.550/-, which was enhanced to Rs.2200/- in 2012, and



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subsequently fixed at Rs.4,500/- per month as mutually agreed. It was further pleaded that the rent was never delayed and was paid regularly till the Covid-19 lockdown, when rent could not be collected due to restrictions. After the demise of Anil Kumar, however, the legal representatives of the respondents filed the ejectment petition claiming an enhanced rent of Rs.7700/- per month instead of Rs.4500/-.

3. The respondents-landlords, on the other hand, contended that the petitioner-tenant was occupying the premises at a monthly rent of Rs.7700/- and had failed to pay rent from 01.09.2018 onwards. They produced documentary material in support of their claim and prayed for provisional assessment accordingly. The tenant resisted this and sought assessment at the rate of Rs.4500/- per month.

4. The learned Rent Controller, relying upon the judgment of the Hon'ble Supreme Court in *Rakesh Wadhawan Vs. Jagdamba Industrial Corporation*, 2002 (1) RCR (Rent) 514, provisionally assessed the rent at Rs.7700/- per month on 08.11.2021 and directed deposit of arrears accordingly. The assessment was calculated at Rs.2,94,000/-. It was noted that on 16.08.2021 the tenant had tendered Rs.72,000/- towards arrears @ Rs.4500/- per month, which was adjusted, leaving a balance of Rs.2,22,000/- payable by 22.11.2021.

5. On 22.11.2021, though counsel for the landlord was present, none appeared on behalf of the tenant despite repeated calls and sufficient wait. Finding that the tenant had failed to comply with the provisional assessment order dated 08.11.2021, the learned Rent Controller, relying upon the settled law, passed an order of eviction directing the tenant to



vacate the premises, within two months.

6. Learned counsel for the petitioner-tenant argued that the Rent Controller acted arbitrarily in assessing rent at the rate of Rs.7,700/- per month without any cogent evidence, and without appreciating the plea that the agreed rent was Rs.4500/- per month. It was further submitted that the eviction order dated 22.11.2021 was passed in undue haste without affording sufficient opportunity to the tenant, and the Appellate Authority erred in dismissing the appeal.

7. I have heard learned counsel for the petitioner and carefully perused the paper book.

8. In view of the order proposed to be passed, notice is not being issued to respondents as it would delay the proceedings besides entailing additional expenses to the respondents.

9. The appeal filed by the petitioner-tenant against the orders dated 08.11.2021 and 22.11.2021 was dismissed by the learned Appellate Authority vide judgment dated 23.07.2025. The Appellate Authority observed in para 13 that once provisional rent has been assessed, the tenant is under an obligation to pay the same, and any dispute as to actual quantum could be adjudicated subsequently. Placing reliance on *Dalip Kaur Brar Vs. Guru Granth Sahib Sewa Mission (Regd.)*, 2017 (1) RCR (Rent) 447, it was held that non-deposit of provisional rent leaves no escape from an order of eviction. Accordingly, no infirmity was found in the orders of the learned Rent Controller.

10. In the present case, the Rent Controller provisionally assessed rent at Rs.7700/- per month and directed deposit of arrears. The petitioner



admittedly failed to deposit the balance amount of Rs.2,22,000/- by 22.11.2021. The record reveals that despite repeated calls, the tenant failed to appear or comply with the order dated 08.11.2021. Once the tenant had defaulted in compliance with the assessment order, the learned Rent Controller had no discretion but to pass the eviction order. The Appellate Authority has correctly upheld the same, relying on binding precedents. This Court, in exercise of its supervisory jurisdiction under Article 227 of the Constitution, cannot sit as an Appellate Authority over findings of fact unless there is manifest perversity, illegality, or jurisdictional error. No such infirmity is made out herein.

11. For the reasons recorded above, the present revision petition is found to be devoid of merit and is hereby **dismissed**, without commenting upon the merits of the case.

12. Pending application(s), if any, also stand disposed of.

(AMARINDER SINGH GREWAL)
JUDGE

10.09.2025
Shubham

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