



CR No. 3028 of 2025

IN THE HIGH COURT OF PUNJAB AND HARYANA ATCHANDIGARH

CR-3028 of 2025 (O&M)

Decided on : 19.05.2025

Murtian Siri Aadi Nath Bhagwan

.....Petitioner

Versus

Rameshwar Jain & Ors.

.....Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: Mr. Harish Bhardwaj, Advocate  
For the petitioner.

**DEEPAK GUPTA, J.**

By this petition filed under Article 227 Constitution of India, the petitioner prays for setting aside the order dated 27.02.2025 (*Annexure P-9*), whereby learned Rent Controller, Gohana declined to assess the provisional rent on an application moved by the petitioner-landlord.

2. It is contended by learned counsel that relationship of landlord-tenant between the parties was not specifically denied by the respondent and as such, the Rent Controller was bound to assess the provisional rent.

3. After going through the impugned order and the paper-book, this Court does not find any merit in the contention.

4. It has been observed by learned Rent Controller, based upon the pleadings of the parties, that relationship of landlord and tenant between the parties has been specifically denied by the respondent. Learned Rent controller also observed that even during the hearing of the application, none of the respondents had admitted the relationship of the landlord and tenant between the parties. It has been observed further that in these circumstances before adjudication of the title and the relationship between the parties, the provisional assessment of a rent cannot be made.



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5. Besides, it has also been observed that the interests of the landlord are protected because in case the relationship of landlord and tenant is subsequently established, the tenant-respondent loses the opportunity of making payment towards the arrears of rent and will be liable to be evicted without any further opportunity. These observations have been made by learned Rent Controller in view of the legal position explained by this High Court in ***Rakesh Wadhawan & Ors. Vs. M/s Jagdamba Industrial Corporation & Ors. PLR Vol. CXXXI 2002(2) 370***, besides ***M/s Gawritax Industries Limited, Panchkula Vs. Sqn Lds. Gurdian Singh (Retd.) & Ors. 2009(2) RCR Rent (213)***.

6. In view of the above-said reasoning made by learned Rent Controller, this Court does not find any illegality or perversity in the impugned order and as such, holding the present revision petition to be devoid of any merits, the same is hereby dismissed.

**(DEEPAK GUPTA)**  
**JUDGE**

**19.05.2025**

***Jiten***

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