



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

**CR-3213-2025**

**Ankush Jain**

. . . . **Petitioner**

**Vs.**

**Abhijraj Singh Chawla**

. . . . **Respondent**

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**Reserved on: 28.08.2025  
Pronounced on: 01.09.2025**

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

Argued by:- Mr. Naveen Sharma, Advocate  
for the petitioner.

Mr. B.S. Patwalia, Advocate  
for the respondent.

**DEEPAK GUPTA, J.**

The petitioner herein is the tenant before the Learned Rent Controller, Ludhiana, in Rent Petition No. 460 of 2022 titled "*Abhiraj Singh Chawla vs. Ankush Jain.*" He has challenged the order dated 06.05.2025 passed by the Learned Appellate Authority, Ludhiana, whereby the order dated 01.07.2024 of the Rent Controller, Ludhiana was set aside, and the matter was remitted with directions to assess the provisional rent. The Rent Controller had earlier held that since the relationship of landlord and tenant was denied, there was no necessity to assess provisional rent.

2. This Court has heard learned counsel for both sides and perused the paper-book.

3. The landlord, Abhiraj Singh Chawla (*respondent herein*), sought ejectment of the tenant (*petitioner herein*) on the ground of non-payment of rent. He asserted that the property was originally owned by Sh. K.S. Chawla, who transferred it to his brother Taranjit Singh through a deed dated

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12.10.2017. Thereafter, Taranjit Singh conveyed the property to the present landlord by deed dated 18.01.2018. As rent had not been paid since 2018, eviction was sought.

4. The petitioner, while admitting that he had taken the premises on rent from Sh. K.S. Chawla in August 2010, denied the existence of landlord–tenant relationship with the respondent, contending that no valid title vested in him. He prayed for dismissal of the ejectment petition.

5. The Rent Controller, by order dated 01.07.2024, held that since the relationship of landlord and tenant was disputed, provisional rent could not be assessed, and framed issues including that of the existence of such a relationship. The landlord’s appeal was allowed by the Appellate Authority and matter was remitted with direction to assess the provisional rent.

5. Assailing the impugned order, learned counsel for the petitioner argued that once the issue of landlord–tenant relationship was framed, provisional rent could not be determined, and that no tenancy ever existed between the parties. It was, therefore, urged that the Rent Controller’s order deserved to be restored.

6. In reply, counsel for the landlord supported the appellate authority order, submitting that the petitioner himself admitted tenancy under Sh. K.S. Chawla, who had subsequently transferred ownership to Taranjit Singh, and thereafter to his son, the present landlord. Thus, the relationship of landlord and tenant stood established, justifying the direction to assess provisional rent.

7. This Court has carefully considered the rival contentions. It is undisputed that the petitioner entered the premises as a tenant under Sh. K.S. Chawla. Ownership was subsequently transferred to Taranjit Singh on 12.10.2017, and thereafter to the respondent-landlord on 18.01.2018. Consequently, the respondent acquired title and the petitioner became his tenant by operation of law. The Appellate Authority was, therefore, justified in directing assessment of provisional rent.



8. The contention that framing of an issue regarding relationship bars assessment of provisional rent has no merit. Issues remain to be adjudicated on the basis of evidence. If the tenant fails to deposit the provisionally assessed rent and the relationship of landlord and tenant is ultimately established, he runs the risk of immediate eviction, in line with settled legal principles. Conversely, if no such relationship is proved, any rent tendered provisionally can be refunded. The choice lies with the tenant, and the consequences of non-payment will rest upon him.

9. In light of the above discussion, this Court finds no illegality or perversity in the impugned order. The revision petition is devoid of any merit and is accordingly dismissed.

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

**01.09.2025**

*Neetika Tuteja*

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No