

Present: Sh.AK Goyal, counsel for petitioner
Sh.Suresh Kumar, counsel for respondent

An application for assessment of provisional rent filed. Copy supplied. Counsel for respondent stated at bar that he does not want to file reply to said application and contents of main reply be read as reply to the application.

Arguments heard on application for assessment of provisional rent. It is averred in the application that respondent is tenant in demised shop under applicant @ Rs.800/- and is in arrears of rent w.e.f. 1.10.2017 plus house tax and property tax etc. Hence, the instant application.

On the other hand, learned counsel for respondent has argued that the respondent has taken the shop @ Rs.800/- per month and paying the rent regularly. The respondent is not liable to pay house tax and property tax etc. He prayed that the application be dismissed.

I have considered the rival contentions of learned counsel for the parties and perused the documents placed on file. It is well settled law that rate of rent is to be proved by the landlord and payment of rent is to be proved by the tenant. The rate of rent is not disputed by the tenant. However, tenant has pleaded that he is paying the rent regularly. The tenant has placed on file copy of acknowledgement, which shows that applicant has received Rs.4,800/- as rent from 1.10.2017 to 31.3.2018 from the applicant. Thus, the respondent has prima facie proved that he has paid rent upto 31.3.2018. However, the respondent has failed to prove the payment of rent from 1.4.2018. The applicant has claimed the house tax and property tax in addition to rent, but no document has been placed on file to show that tenant is also liable to pay house tax and property tax. Hence, no order qua payment of house tax and property tax is being passed at this stage.

In view of these circumstances, this Court hereby assess the provisional rent for the period from 1.4.2018 to 28.2.2019 @ Rs.800/- per month along with interest @ 6% per annum and respondent is also directed to pay cost of Rs.500/- to the applicant as per following details:

Rent from 1.4.2018 to 28.2.2019 @ Rs.800/- per month (11 months)		8,800.00
Interest @ 6% per annum		264.00
Cost		500.00
Total		----- 9,564.00 -----

Respondent is directed to tender the provisional rent on the next date of hearing i.e. 1.4.2019.

Amandeep-PB0336
Rent Controller, Talwandi Sabo
(UID No.PB0336)

Date of order: 1.3.2019
Mukesh Kumar, Stenographer