



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

**CR-4038-2026**

Date of Decision:13.05.2026

**RAM SHANKAR**

...Petitioner

Versus

**RANBIR SINGH**

...Respondent

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Amit Kumar Walia, Advocate  
for the petitioner.

**PARMOD GOYAL, J. (ORAL)**

Present revision petition has been preferred under Article 227 of the Constitution of India by the petitioner-tenant being aggrieved by impugned order dated 16.04.2026 passed by learned Rent Controller, Sangrur in rent petition No.08 of 2024 whereby, learned Rent Controller, Sangrur had assessed the provisional rent along with interest and costs to the tune of Rs.3,05,799/- to be paid on or before 27.05.2026.

2. In the present case, factum of tenancy and rate of rent are not in dispute. As per case of parties, petitioner-tenant was inducted as tenant in the year 2016 and rent note dated 29.01.2016 was duly executed between the parties, wherein rate of rent was agreed @Rs.3,500/- per month with a stipulation that after every one year, the same would be increased by 5% and the 5% enhancement would be calculated on the enhanced agreed rent on year to year basis.

3. Respondent-landlord had filed the eviction petition seeking eviction of petitioner-tenant on the ground that tenant has failed to pay rent

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since January 2021 and had sought arrears of rent and in alternative on failure to pay rent, eviction of petitioner-tenant. The learned Rent Controller had taken Rs.3,500/- as base rent for year 2021 and after applying 5% increase for succeeding years had duly found that total arrears from January 2021 till date of passing of orders was Rs.2,85,660/-. Interest of Rs.17,139/- on the calculated arrears of rent and cost was Rs.3,000/- was assessed by learned Rent Controller. Provisionally assessed rent along with interest and cost was calculated to the tune of Rs.3,05,799/-.

4. Learned counsel for the petitioner-tenant submits that petitioner-tenant has already paid rent till August 2024 and therefore, fixing of provisional rent on the bald statement of respondent-landlord cannot be sustained. However, I do not find any error in the orders passed by learned Rent Controller. Provisional rent is based upon the pleadings of the parties and at the time of fixing provisional rent, the Court cannot adjudicate or decide respective pleas taken by the parties. The purpose of provisional rent is to give liberty to petitioner-tenant to tender arrears of rent.

5. In the present case also, the provisional rent from year 2021 has been fixed as was asserted by respondent-landlord and in case, petitioner-tenant succeeds in proving that he has already paid rent from year 2021 till 2024 as is being asserted by him, then in such circumstance, he would be entitled to recover the payment already made along with interest as well as interest upon the amount paid from date of actual payment to the respondent-landlord tendered before the learned Rent Controller till actual realization. Therefore, as far as petitioner-tenant is concerned, no prejudice is caused by assessment of provisional rent at this stage. Moreover, petitioner-tenant is free to tender provisional rent as per his defence and in

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case, he succeeds in proving that he has already paid rent from year 2021 to 2024, he would not be evicted. It is only when it is found that he had not paid rent as is being asserted by him, in that case in view of assessment of provisional rent, petitioner-tenant would be evicted. Choice is to be made by petitioner-tenant either to pay the provisional rent and seek recovery or not to pay the rent and prove that he has already paid the rent as he is claiming before the Court. Therefore, I do not find any error in the impugned order whereby provisional rent has been assessed. Revision petition is accordingly dismissed.

6. Pending application(s), if any, is/are disposed of accordingly.

13.05.2026  
*Ravinder*

**(PARMOD GOYAL)**  
**JUDGE**

Whether Speaking/Reasoned : Yes/No  
Whether Reportable : Yes/No