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

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Date of decision: 12.03.2026

SURINDER KUMAR AND ANOTHER**...Petitioners****Versus****MANDIR THAKUR DWARA****...Respondent****CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present : Mr. Ashish Aggarwal, Advocate for the petitioners.

Mr. Ashwani Chawla, Advocate for the respondent.

YASHVIR SINGH RATHOR. J.(Oral)

1. This revision petition is directed against the order dated 10.10.2025 passed by the learned Rent Controller, vide which the application moved by the tenant for assessment of provisional rent has been rejected.
2. I have heard learned counsel for both the parties and have gone through the material placed on the file.
3. Learned counsel for the petitioners contended that in an earlier litigation instituted by the respondent/landlord also, the tenants had denied relationship of landlord and tenant between the parties but later on, vide statement dated 22.03.2018, tenants had admitted the respondent to be their landlord and thereafter, provisional rent was assessed by the Rent Controller. Against the order of assessment of provisional rent, the landlord i.e. the present respondent filed CR No.7470 of 2018, which was dismissed vide order dated 12.05.2022 and it was held that the order of assessment of provisional rent has been passed on 15.09.2018 after the tenants suffered a statement admitting the relationship of



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landlord and tenant. Learned counsel further contended that the learned Rent Controller in the present proceedings has wrongly refused to assess the provisional rent and the impugned order is thus liable to be set aside as the petitioners-tenants have admitted respondent to be their landlord.

4. However, I do not find any force in the contentions raised by learned counsel for the petitioners and the petition in hand is liable to be dismissed for the reasons discussed hereinafter.

5. Before proceedings further, the relevant portion of the order passed by the learned Rent Controller is reproduced as under:-

“Heard on the point of provisional assessment of rent although the defendants has suffered a statement through Counsel on 05.09.2025 to the effect that they admit petitioner to be their landlord and except the landlord tenant relationship and therefore requested for assessment of rent. But this statement of the respondents through their Counsel is an attempt to mis-lead the Court because in the written statement in preliminary objections in para no.3 and 5 the respondents have clearly mentioned that complex question of title and ownership is involved in the present case and the property in question is a Wakf property accordingly, the property vests in Punjab Wakf Board and ejectment petition on behalf of petitioner does not rely. Meaning thereby, as per the respondents the property belongs to Punjab Wakf Board therefore, they have clearly denied the status of petitioner as owner or landlord. Not only this the respondents has filed an application for rejection of the petition stating therein that this court has no jurisdiction because the property is a Wakf property and case should have been filed before the Wakf Tribunal. The said application was also decided by this Court and while deciding the said application on 05.11.2024 this Court has observed that the relationship is required to be adjudicated in the present case. The respondents thus is now trying to deviate from their stand taken in the written statement and application under order 7 Rule 11 CPC which act cannot be allowed. The petitioner should be clear about the evidence he is



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required to lead in this case. Therefore, if the respondent are allowed to take both the stands i.e. denying as well as admitting the landlord-tenant relationship justice cannot be done to the file or the petitioner. As such rent is not assessed. ”

6. In 2010(4) PLR 185, ***Baseshar Nath Trust Vs. Kripo Devi and Others***, landlord sought eviction of tenant on the ground of arrears of rent. The tenant denied relationship of landlord and tenant and it was held that once relationship of landlord and tenant has been denied, tenant cannot be permitted to deposit arrears. In 2003 (2) PLR 371, ***Hukma Devi Vs. Bhagwan Dass*** also, tenant denied title of landlord in an eviction petition instituted on the ground of arrears of rent. It was held that Rent Controller is not obliged to assess arrears of rent and cost. If tenancy is proved ultimately, then tenant is liable to eviction for non-payment of rent and tenant cannot be allowed to deposit arrears of rent to escape eviction.

7. A perusal of the aforesaid order clearly reflects that initially the tenants filed reply to the petition and claimed that the property in question is owned by Wakf Board and the ejectment petition on behalf of the petitioner is not maintainable and relationship of landlord and tenant was denied. Thereafter, their counsel suffered a statement dated 05.09.2025 to the effect that they admit petitioner to be their landlord and requested for assessment of rent. It is pertinent to mention that in the earlier litigation also, the tenants had denied relationship of landlord and tenant but later on, they made a statement and admitted the respondent to be their landlord and thereafter, rent was assessed. As such, the petitioners have knowingly denied relationship of landlord and tenant between the parties and once they have taken a specific stand and denied relationship of



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landlord and tenant, Rent Controller is not required to assess the provisional rent. The judgment dated 14.08.2019 passed in CR No.7348 of 2018, titled ***Jagjit Singh @ Jagjit Singh Ahluwalia Vs. Rajesh Bansal and Others*** relied upon by counsel for the petitioners is not at all applicable to the facts of the case in hand.

8. As a result of aforesaid discussion, I am of the considered opinion that the impugned order does not suffer from any material illegality or manifest error so as to call for interference.

9. Resultantly, petition in hand is ordered to be dismissed.

(YASHVIR SINGH RATHOR)
JUDGE

12.03.2026
amandeep

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