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

Civil Revision No. 3512 of 2009

Date of decision : 26.2.2010

Rattan Lal

....Petitioner

Versus

Shanti Devi

Respondent

CORAM : HON'BLE MR. JUSTICE S. D. ANAND

Present: Mr. Vikrant Hooda, Advocate
Mr. R.D.Yadav, Advocate for the petitioner

S. D. ANAND, J.

The fixture of fair rent by the learned Rent Controller was affirmed by the learned Appellate Authority. It is apparent, from a conjunctive perusal of the judgments rendered by both the Courts, that all the facts which ought to go into consideration for fixture of fair rent have indeed been noticed by both the Courts. The basic rent was fixed for the purpose. Wholesale price index for the relevant period was taken into consideration and the fair rent of the premises had fixed at the rate of Rs.711/- per month.

Learned counsel, appearing on behalf of the petitioner, states that impugned order cannot be upheld in view of the fact that Rewari is not a very flourishing town and the fixture of fair rent to the above extent would put the tenant-petitioner to great economic hurt.

The plea raised is symptomatic of a facet which is foreign to the system of dispensation of justice. Consideration which

ought to go into the fixture of fair rent are indicated in Section 4 of the relevant rent legislation, sub Clause 3 whereof reads as under:-

“In fixing the fair rent, the controller may allow an increase or decrease on the basic rent determined under sub-section (2), not exceeding twenty five per-centum of the rise or fall in the general level to prices since the date of agreed rent or the date of application, as determined by the Government of India, or the calendar year immediately preceding the date of application.”

Both the learned Court noticed the basic rent as Rs.452/-. They further noticed that the price index for the relevant year (when fair rent was fixed vide order dated order 2.9.2003) was 991.3. The price index immediately preceding the year of the presentation of the application was 1220.34. The increase in the whole price index was noticed to be 25% and that is how the fixture of fair rent at the rate of Rs.711/- (710.68 round off to be Rs.711/-) came about.

Learned counsel for the petitioner has not been able to invite my attention to any fact which could buttress the plea for the invalidation of the impugned order. The petition is held to be without any force and is ordered to be dismissed.

February 26, 2010
Pka

(S. D. ANAND)
JUDGE