



between the parties within a limited time after framing of issue in this regard.

To this, counsel for petitioner has agreed and submits that petitioner would furnish bank guarantee of Rs.1.7 Million (50% of the amount claimed) in seven working days with the Nazir of this Court and its encashment shall be subject to the outcome of the issue to be resolved by the Rent Controller i.e. whether there exists relationship of landlord and tenant between petitioner and respondent No.1.

Accordingly, by consent the petition is allowed, the orders passed by the two Courts below are set aside and the case is remanded to the Rent Controller with direction to frame an issue i.e. whether there exists relationship of landlord and tenant between petitioner and respondent No.1 and allow parties to record evidence in three weeks' time and decide the issue soon thereafter without any wastage of time. The decision on that issue shall then decide application for tentative rent order and further proceedings. It may however be clarified that in case the bank guarantee is not furnished within the stipulated time, as directed above, the defence shall then deemed to be struck off and the executing Court will be at liberty to proceed with the execution application.

Petition stands allowed in the above terms.

**J U D G E**