

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-1095-2015

Date of decision: 18.2.2015

Mrs. Anupam Khanduja and others

..... Petitioners

Versus

Mahesh Chand Jain

..... Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

PRESENT: Mr. Rajeev Duggal, Advocate for the petitioners.

R.P. NAGRATH, J. (ORAL)

The petitioner-tenants have invoked revisional jurisdiction of this Court under Section 15 (5) of the East Punjab Urban Rent Restriction Act, 1949, seeking to set aside the order dated 22.12.2014, whereby the application for assessment of mesne profits filed by the respondent-landlord was allowed.

I have heard learned counsel for the petitioners and carefully perused the impugned order and the paper-book.

Learned petitioners' counsel has relied upon lease deed dated 21.3.2013 (Annexure P-6) executed in respect of godown shed in Industrial Area, Chandigarh having an area of 950 Sq. feet with agreed

rent of ₹ 36,000/- per month w.e.f. 01.04.2013. The area of the demised premises in the instant case is 1780 Sq. feet on the ground floor of plot No. 163, Industrial Area Phase-I, Chandigarh and the mesne profits is to be determined w.e.f. 31.08.2014, therefore, the determination of msene profits @ ₹ 75,000/- per month by the Appellate Authority is quite justified. The premises in question was rented out in the year 2006 at the agreed rent of ₹ 24,982/- and the mesne profits have to be determined for the period about eight years subsequent thereto in the commercial area of the costly city of Chandigarh.

The learned Appellate Authority, observed as under:-

“Respondents, on the other hand, have brought on record copy of lease deed dated 8.1.2014 vide which 3 kanal plot except one small room area approximately 100 sq. ft. of plot No. 167, Industrial Area, Phase-I, Chandigarh was let out on monthly rent of ₹ 4,40,000/- per month, copy of registered lease deed dated 21.3.2013 vide which godown shed in plot No. 22, MW, Industrial Area, Phase-I, Chandigarh was let out on monthly rent of ₹ 36,000/- with yearly increase of 7.5% and copy of registered lease deed dated 6.2.2014 in respect of 3300 Sq. ft. RCC back hall and centre courtyard approx.. 200 Sq. ft. ground floor area of plot No. 76, Industrial Area, Phase-II, Chandigarh. None of these properties is however comparable to the property disputed in our

case.

The Court can, however, take judicial notice of the increasing trend of rentals of properties in the last few years which is also witnessed by copies of registered lease deeds placed on record. Considering all relevant facts and circumstances of the case, the location, area, situation of the premises, the mesne profits of 1780 Sq. ft. area is assessed at ₹ 75,000/- per month.

The amount of ₹ 75,000/- per month (minus agreed rent) fixed by this Court shall be deposited by the respondents by way of fixed deposit carrying maximum rate of interest in a nationalized bank in favour of applicant and the said amount along with accrued interest shall be paid after the final disposal to either side depending upon the result of the case. Applicant shall furnish an undertaking in the court to the effect that he will not withdraw the amount deposited in terms of FDRs till the decision of instant appeal. Since arguable points are involved and appeal would take long in disposal, operation of impugned eviction order is stayed during pendency of the appeal subject to the condition that appellant shall deposit the complete arrears of rent as assessed by ld. Rent Controller and the arrears of mesne profits w.e.f.

*31.8.2014 within one month from today in the court of
ld. Rent Controller, Chandigarh and shall continue to
deposit the future mesne profits by 10th of every month
failing which the stay shall stand automatically
vacated.”*

In view of the above, there is no ground to interfere in the
impugned order and the instant revision is dismissed.

February 18, 2015

rishu

**(R.P. NAGRATH)
JUDGE**