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

CR No.3313 of 2015

Date of decision: May 15, 2015

Mukesh Kumar Aggarwal

.....Petitioner

Versus

Mrs. Chanderlekha Vaid

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Kirpal S. Ahluwalia, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 16.04.2015, whereby mesne profits were assessed by the appellate authority qua the demised premises.

Learned counsel for the petitioner has submitted that the petitioner had taken the premises in question on rent in December, 2010 at a monthly rent of ₹21,500/-. The lease deed placed on record by the landlord was dated 07.05.2010. Hence, the said lease deed was not relevant for determining the mesne profits.

In the present case, respondent had sought ejectment of the petitioner from the premises in question on the ground of personal necessity. The learned Rent Controller vide order dated 15.09.2014 allowed the ejectment petition filed by the respondent. Against the said order, petitioner preferred an appeal. During the pendency of the appeal,

respondent moved an application for determination of mesne profits. Respondent placed on record lease deed dated 07.05.2010 with regard to nearby tenanted premises. As per the said lease deed, the rate of rent was ₹68,000/- per month with increase of 7% per year. However, the arguments raised by learned counsel for the petitioner are without any basis as a perusal of the impugned order reveals that the petitioner had admitted that the first agreement between petitioner and the landlord qua tenancy was executed in November, 2002. Thus, the premises in question was rented out to the petitioner way back in the year 2002. Hence, the learned Rent Controller rightly basing reliance on the lease deed dated 07.05.2010 assessed the mesne profits at the rate of ₹70,000/- per month.

Thus, the impugned order calls for no interference.

Dismissed.

**(SABINA)
JUDGE**

May 15, 2015

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