

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

Civil Revision No.3768 of 2015 (O&M)

Date of decision: 28.05.2015

M/s S.R. Marketing Co., and others

... Petitioners

versus

Mrs. Kamini Sehgal

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Satbir Singh Katnoria, Advocate,
for the petitioners.

K.Kannan, J. (Oral)

1. The tenant is ordered to pay mesne profit @ ₹ 25,000/- during the pendency of appeal as a condition for enjoying the benefit of stay of eviction already passed. The court has found that the rent was ₹10,500/- in the year 2007 and it was increased to ₹15,000/- in the year 2012. He has made a projection of a gradual increase upwards due to inflationary trends in the market and has assessed the mesne profit at ₹25,000/-.

2. The counsel for the tenant points out that it is although a commercial property, it is not in the heart of the city Chandigarh but it is in the fringes at Burail and the property is at the ground floor. The amount will not fetch more than ₹15,000/-. The appellate Courts do not take much time for disposal of appeals and if the tenant is successful, he will have the benefit of an adjustment of the excess

amount paid for the future arrears of rent. The assessments of mesne profit during the pendency of appeal or revision proceedings are invariably summary in nature and I believe that there ought to be a reasonable play in the joints for the appellate authority to fix what is reasonable. I would imagine that the Presiding Officer has a pulse in the market and the court could take judicial notice of such worldly affairs to determine what is fair and appropriate based on past transactions between parties.

3. I find no scope for intervention. The impugned order is sustained and the revision petition is dismissed.

(K.KANNAN)
JUDGE

28.05.2015
sanjeev