

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.427 of 2015
Date of Decision.25.03.2015

Late Smt. Kamla Wati through LR

.....Petitioner

Versus

Surinder Kumar and others

.....Respondents

Present: Mr. Deepak Nayar, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of 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?

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K. KANNAN J. (ORAL)

1. The tenant who was ordered to be evicted in appeal was faced with an application for determination of mesne profits moved at the instance of the landlord. The Court considered the fact that the property had been let on rent for more than 30 years back at a rent of ₹ 60/- and the property being a non-residential property in Amritsar which is one of the larger towns of Punjab, the appropriate rent if it was to be let out should have been at least ₹ 8,000/- per month. The tenant presented before the Court two rent notes one of the year 1994 for rent of ₹ 500/- and another of the year 1998 for rent of ₹ 750/-. The counsel would argue that the Court that fixes the mesne profits ought to have some basis for its determination and rent which was originally at ₹ 60/- cannot be suddenly enhanced to ₹ 8000/- per month which is several times more.

2. While the point urged that the Court must have some basis is

well taken, I will not find the increase of assessment for mesne profits at ₹ 8000/- is too high, considering the fact that even the document relied on by the tenant was with reference to a shop in the proximity that was fetching ₹ 750/- for a lease which was more than 16 years back and ₹ 500/- which was more than 20 years back. It was argued before the Court by the landlord that if it was let on rent it will fetch not less than ₹ 15,000/- and the landlord was also giving information of the fact that some other property which was let out in the year 2007 was fetching rent of ₹ 9,000/- per month. The Court found that the shop in dispute was part of residential building located in a residential area and found that the appropriate mesne profits would be ₹ 8000/-. The Court has taken note of the fact that the shop in question was situate opposite to Goal Bagh, Amritsar and it was big shop which opened from both sides. Rent note dated 12.10.2007 pertaining the property in Goal Bagh near Sewa Samiti showed rent at ₹ 6800/- per month which also provided for 5% increase for every year. The Court was determining the rent 7 years still later and has only provided for damages at ₹ 8000/-. I do not think that the contention that the Court was determining mesne profits without any basis can be supported.

3. The order is maintained and the civil revision is dismissed.

(K. KANNAN)
JUDGE

March 25, 2015
Pankaj*