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

CR No.4411 of 2015 (O&M)

Date of decision: July 15, 2015

Surinder Singh Mehndiratta

.....Petitioner

Versus

Sikandar Lal Saluja (since deceased) through
his LRs

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. J.K. Goel, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 12.05.2015, whereby, mesne profits were assessed by the Appellate Authority.

Learned counsel for the petitioner has submitted that the mesne profits have been assessed by Appellate Authority on a higher side and the same were liable to be reduced.

Respondents had sought ejectment of the petitioner from the premises in question by moving petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949. The said petition was allowed by the Rent Controller vide order dated 11.07.2014. Aggrieved against the said order, petitioner preferred an appeal. The Appellate Authority vide the impugned order has assessed the mesne profits at

the rate of ₹40,000/- per month.

In the present case, petitioner is in possession of front portion of the ground floor, i.e. area measuring 23' x 19.8'. Petitioner was paying rent at the rate of ₹1,000/- per month. With regard to SCO No.7, Sector 18D, Chandigarh, the Appellate Authority had assessed the mesne profits at the rate of ₹1,00,000/-. In the said case, the tenant was in possession of area measuring 19' x 40'. In Civil Revision No.5108 of 2013, this Court, while issuing notice of motion had directed the tenant to pay 40% of the amount on account of arrears of rent as assessed by the Appellate Authority from the date of eviction order and subject to such deposit, operation of the order, whereby Appellate Authority had assessed the mesne profits, was stayed. Learned counsel for the petitioner has submitted that in the said case, parties had affected a compromise and the premises were vacated by the tenant. Thus, this Court, by way of interim measure, had directed the tenant to pay 40% of the amount assessed as mesne profits.

The Appellate Authority qua SCO No.7, Sector 18D, Chandigarh had assessed the mesne profits at the rate of ₹1,00,000/- per month. However, keeping in view the fact that in the present case, petitioner is in possession of lesser area, the learned Appellate Authority has rightly assessed the mesne profits at the rate of ₹40,000/- per month.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

July 15, 2015
mahavir