

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

**Civil Revision No.569-2015 (O&M)
Date of Decision: February 04, 2015.**

Naresh Kumar

.....PETITIONER(s).

VERSUS

Gurjinder Singh

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sunil Kumar, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

Heard.

The revision petitioner challenges the order dated 01.12.2014 whereby mesne profits of the demised premises i.e. shop bearing No.2104 Pipli Wala Town, Manimajra, UT Chandigarh was assessed as ₹9,000 per month by Appellate Authority, Chandigarh.

The revision petitioner is a tenant in the aforesaid shop and vide order dated 30.07.2014, passed by Rent Controller, Chandigarh, he was ordered to be ejected from the demised premises. In appeal, respondent-landlord moved an application for fixing of mesne profits of shop in question and supported his application with two documents i.e. a registered lease deed of shop No.2206, Pipli Wala Town, Manimajra, UT

Chandigarh whereby shop has been let out @ ₹15,000 per month and another registered lease deed dated 15.02.2012 of shop No.39 Old Ropar Road, Manimajra, UT Chandigarh which had been let out @ ₹20,000 per month.

Learned counsel for the revision petitioner submits that demised shop is a small shop where the revision petitioner is carrying on his Tailoring and Draper business. The settled rate of rent was ₹1,500 per month and the mesne profits fixed by the Appellate Authority is highly excessive and penal in nature.

On perusal of the impugned order, it transpires that the Appellate Authority has relied on the above mentioned two documents and also on the fact that during the pendency of the appeal, both the parties have resolved to fix the enhanced rent @ ₹9,000 per month. In the absence of any document produced by the revision petitioner to rebut the registered lease deed placed on file by the respondent-landlord, the Appellate Authority has taken a very reasonable and moderate view while fixing the mesne profits. The same cannot be termed either excessive or penal in nature, keeping in view the prevalent rate of rent in the market.

This revision petition has no merits. Dismissed.

(SURINDER GUPTA)
JUDGE

February 04, 2015.
Sachin M.