

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

114

Civil Revision No.6063 of 2015 (O&M)

Date of Decision: September 16, 2015

Kalu Ram

...Petitioner

Versus

Kewal Krishan

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this revision petition is to the order dated 14.08.2015 passed by the Appellate Authority under the East Punjab Urban Rent Restriction Act, 1949, whereby mesne profits have been assessed at the rate of ₹3,000/- per month for the residential premises in question where the petitioner is at present residing.

2. It is the contention of learned counsel for the petitioner that there is no relationship of landlord and tenant between the petitioner and the respondent. This plea although has been rejected by the Rent Controller but the appeal having been admitted and stay granted by the Appellate Authority, the mesne profits as assessed cannot be granted to the respondent, specially when an application under Order I Rule 10 has been moved by one Smt. Sukhjit Kaur, who is claiming herself to be the owner through a registered sale deed. He thus contends that the impugned order qua this aspect regarding the mesne profits cannot sustain.

3. This contention of learned counsel for the petitioner cannot be accepted in the light of the fact that there is an eviction order passed by the

Rent Controller, which is under challenge before the Appellate Authority. The petitioner if wants to hold on to the tenanted premises has to pay the amount as mesne profits. The order passed by the Appellate Authority determining the mesne profits is a well reasoned and justified order which do not call for any interference. The plea of learned counsel for the petitioner that the respondent is not the landlord of the petitioner is a matter to be decided by the Appellate Authority and as of now there is an order against him of the Rent Controller on this count. That being the position, the contention of learned counsel for the petitioner cannot be accepted.

4. Finding no merit in the present petition, the same stands dismissed.

September 16, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE