

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

118

**Civil Revision No.7696 of 2015(O & M)
Date of Decision:18.11.2015**

Kuldeep Mahajan

....petitioner

Versus

Sukhdev Raj and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.B.D.Sharma, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

Vide order being assailed dated 17.10.2015, rendered by Appellate Authority, Amritsar, mesne profits for the demised premises have since been fixed at ₹ 5000/- per month. The conclusion arrived at by the Appellate Authority, in support of its order reads as thus:

“The learned counsel for landlord/respondent raised point that he has placed on record a copy of lease deed, which revealed that in a house, which is situated in the same vicinity, where the shop in question is situated on the ground floor of the said house, the shop is taken on rent by the bank at the monthly rent of Rs.12,000/- in April 2014 with an increase clause of 15% after every three years. He raised point that the shop in question is also having the same potentiality, as that area is

known for business activity.

On the other hand, the learned counsel for the appellant raised point that no reliance can be placed upon this lease deed, because in that case, shop is taken on rent by the bank and the circumstances of the present case cannot be equated with that. However, the appellant has not placed on record any lease deed showing the market rate of rent of the property in that area.

After considering all the aspects of the matter and also taking note of this fact that tenancy in the said case is quite old and with the passage of time, there is quite increase in the rent of the properties.

So taking into account all the facts and circumstances and raising trend of prices as well as increase in the rate of rent of property, in my opinion, the interest of justice would be served if the mesne profits are assessed at the rate of Rs.5000/- per month of the demised premises from the date of order of eviction and accordingly, the mesne profits at the said rate are assessed.”

Records show that the respondent-landlord had claimed a sum of ₹ 20,000/- by way of mesne profits and the lease deed brought on record revealed that in the same vicinity an accommodation was let out at ₹12,000/- per month in April 2014.

On an analysis of the matter in issue and the material on record, the Appellate Authority assessed the mesne profits at ₹ 5000/- per month. Learned counsel for the petitioner could not

point out as to how the assessment was either erroneous or unsustainable.

In the wake of the position as set out above, no interference is warranted in exercise of revisional jurisdiction under Article 227 of the Constitution of India. The petition being devoid of merit is accordingly dismissed.

18.11.2015

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(ARUN PALLI)
JUDGE