

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R No. 1914 of 2016 (O&M)
Date of decision : March 16, 2016

Harjinder Singh

..... Petitioner

v.

Surinder Kumar Rishi

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. GS Bhatia, Advocate
for the petitioner.

Mr. Sunil Kumar, Advocate
for the respondent.

1. **Whether Reporters of Local Newspapers 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 ?**

Ajay Tewari, J (Oral)

This petition has been filed against the order dated 15.02.2016 passed by the Appellate Authority fixing mesne profits at ₹ 60,000/- per month.

Counsel for the tenant/petitioner has argued that he was occupying the premises at a monthly rent of ₹ 12,940/- and even though mesne profits have to be fixed at a figure 'akin to market rent' yet it cannot be 'harsh and punitive.' As per him, the lease agreement relied upon by the respondent-landlord has been mis-interpreted by the Appellate Authority.

Counsel for the respondent has argued that the petitioner is in possession of the ground floor of the showroom and the Appellate Authority has relied upon a latest lease agreement of the first floor of an adjoining showroom and even if the lease agreement is interpreted in the manner suggested by counsel for the petitioner, yet the mesne profits which have been fixed for the ground floor cannot be said to be excessive.

Keeping in view the facts and circumstances of the present case, I deem it appropriate to reduce the mesne profits to ₹ 50,000/- per month. It is directed that the petitioner shall deposit the said amount before the Rent Controller and the Rent Controller, after paying the contractual rent to the respondent, shall deposit the rest of the amount in a FD/RD in any nationalized bank to enure to the benefit of the successful party in this litigation. If the petitioner has made any excess deposit that would be set off against the future mesne profits to be paid by him.

This petition stands disposed of in the above terms.

March 16, 2016
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(AJAY TEWARI)
JUDGE