IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

122

C.R. No. 4516 of 2016 (O&M)

Date of Decision: 06.09.2016

Yash Pal

.....PETITIONER

VERSUS

Neelam Rani and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

PRESENT: Mr. S.P.Garg, Advocate.
for the petitioner.

AUGUSTINE GEORGE MASIH, J (ORAL)

Challenge in this revision petition is to the order dated 19.05.2016 (Annexure P-4) passed by the Appellate Authority, Amritsar, whereby the mesne profit has been assessed to the tune of ₹4,000/- per month of the demised premises.

It is the contention of the learned counsel for the petitioner that the mesne profit, as assessed, is much higher than the prevalent rate as of now. He contends that the relationship of landlord and tenant between the parties is disputed. As a matter of fact, the petitioner is related to the respondents and, therefore, there is no question of he being a tenant of the respondents when he is a co-sharer. Since the petitioner is a co-sharer, there is no liability at all with regard to the payment of mesne profit. Apart from that, he asserts that the petitioner had secured a rent note dated 30.03.2016 which clearly establishes that the prevalent rate of rent is ₹800/- per month of the similar premises in the same locality. Prayer has, thus, been made for setting aside the impugned order.

I have considered the submissions made by the learned counsel for the petitioner and with his able assistance, have gone through the impugned order.

As per the order passed by the Rent Controller, as of now, there is a categoric finding returned by the Rent Controller with regard to the relationship of the landlord and the tenant between the respondents and the petitioner. The petitioner having been declared as a tenant, therefore, is liable to pay rent as has been assessed by the Rent Controller and thereafter, after the eviction order also, he is liable to pay the mesne profit. During the proceedings before the Rent Controller, the respondents have been able to establish the rent deed, according to which, the demised premises was let out to the petitioner in the year 2008 @ ₹1,000 per month with a condition of increase of rent @ ₹500 per annum. The amount of rent, therefore, was accordingly fixed. The Appellate Authority has rightly taken that into consideration for assessment of the mesne profit to the tune of ₹4,000/- per month, which cannot be faulted with.

There being no merit in the present revision petition, the same stands dismissed.

In view of the dismissal of this revision petition, all the pending applications stand disposed of.

(AUGUSTINE GEORGE MASIH)
JUDGE

September 06, 2016

pj

Whether speaking/reasoned: Yes

Whether Reportable: No