

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

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Civil Revision No.5989 of 2016 (O&M)

Date of Decision: September 14, 2016

Shan Lal

...Petitioner

Versus

Lavneesh Gulati

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gurcharan Dass, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this civil revision is to the order dated 02.08.2016 passed by the Appellate Authority, Ludhiana, whereby the mesne profits has been assessed of the demised premises at the rate of ₹6,000/- per month for a shop located in New Shivpuri area of Ludhiana.

2. It is the contention of learned counsel for the petitioner that the Appellate Authority has not taken into consideration the assertion and a positive statement of the petitioner in the reply which has been filed to the application, wherein it has been stated that the other shops owned by the respondent have been rented out at a monthly rent of ₹1,800/- to ₹2,000/- and there is no denial to the said fact. He, thus, contends that when his own premises are fetching such a less rent, the mesne profits as assessed by the Appellate Authority, Ludhiana, cannot sustain.

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

4. Perusal of the said order would show that the respondent-landlord had produced the rent deed and rent receipts of one of

the shops in the same area i.e. New Shivpuri (although the counsel for the petitioner states that it is a far of area from where the demised shop is so situated) with monthly rent of ₹8,600/-. The Appellate Authority has given a categoric finding that the said shop, rent deed between Gurpreet Singh and Sanjay and receipts whereof have been produced, are of the nearby area. The Court has moderated the said amount and has assessed the mesne profits at ₹6,000/- per month. The Appellate Authority has further taken care to protect the right of the petitioner in case ultimately he succeeds in the appeal.

5. No ground for interference in the impugned order is made out.
6. The present petition, therefore, stands dismissed.
7. In the light of the dismissal of the main appeal, the application for stay i.e. CM No.18442-CII of 2016, stands disposed of as infructuous.

September 14, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No