

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

122

Civil Revision No.8066 of 2016
Date of Decision: December 01, 2016

Bhawan Nayyar

...Petitioner

Versus

Shamvir Rattan @ Shamvir Rattan Puri

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rishabh Gupta, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court impugning the order dated 15.10.2016 passed by the Appellate Authority, Hoshiarpur, whereby the mesne profits have been assessed of the demised premises holding that the same is ₹15,000/- per month.

2. Learned counsel for the petitioner-tenant contends that the shop with which the comparison has been made is one which is in the main bazar. He contends that although the Kotwali Bazar is the same, the location of the shop is such that it is in the business hub of the area, whereas the demised shop is in an area which has a narrow lane as compared to the shop of which the rent note dated 14.06.2013 had been presented by the respondent-landlord. Apart from that, he asserts that the demised shop is of a smaller area and, therefore, the mesne profits which has been assessed is on a much higher side, especially when the present rent which is being paid by the petitioner is ₹1,800/- per month. Assertion has also been made that the adjoining shop and that too of the respondent is fetching ₹7,000/- per month. He, however, admits that the adjacent shop was rented out by the landlord about 20 years back as the present shop.

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

4. A perusal of the order passed by the Appellate Authority as also the assertions of the counsel for the petitioner would indicate that in the reply which has been filed to the application for mesne profits filed by the respondent-landlord, there is no mention that the rent note dated 14.06.2013 of the shop which is situated in Kotwali Bazar, Hoshiarpur, is at a better location or bigger than the shop in dispute. That apart, no evidence has been brought on record by the petitioner, which would indicate that the prevalent rent in the area is much less than what has been assessed by the Appellate Authority. As a matter of fact, the Appellate Authority has already taken into consideration the better location of the shop for which the rent note dated 14.06.2013 had been presented by reducing the comparative rent from ₹22,000/- per month to ₹15,000/- per month. The order, as has been passed by the Appellate Authority being based upon proper appreciation of the pleadings and the evidence brought on record, do not call for any interference by this Court.

5. In view of the above, finding no merit in the present petition, the same stands dismissed.

December 01, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No