

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
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C.R. No. 8228 of 2016 (O&M)

Date of decision: 07.12.2016

Reetu Anand

...PETITIONER

VS.

Suresh Soni

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rajeshwar Singh, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court assailing the order dated 14.10.2016 (Annexure P-8) passed by the Appellate Authority, Chandigarh, whereby the mesne profit has been assessed @ ₹1,25,000/- per month.

It is the contention of the learned counsel for the petitioner with reference to the lease deeds qua the shops-cum-offices, which are adjacent or are in the vicinity of the demised premises, to assert that the prevalent market rent is not below than ₹3,50,000/- per month for the ground floor and the basement which is equivalent to that of the demised premises. He refers to the lease deeds, copies of which have been appended as Annexures P-3 to P-6, to support his assertion.

A perusal of the lease deeds would show that the same do not exactly refer to the position with regard to the use of the basement and in

is a well-known fact, tend to give higher rent as they are more interested in a particular area for running their business, which cannot, therefore, be relied upon to be taken as a base rent.

It is not a case where the respondent-tenant has not produced any evidence to substantiate his contention that the rent in the area is not as high, as has been projected by the petitioner-landlord. The said document has been taken into consideration by the Appellate Authority while assessing the mesne profits vide the impugned order and on considering thereof, the authority has rightly come to a conclusion that the present situation, where the market is slowing down the rent, would not be as high as has been projected by the petitioner. The conclusion, as drawn in the impugned order dated 14.10.2016 balancing the equities between the parties and taking up the estimation on the basis of the evidence, which has been produced, is fully justified and does not call for any interference by this Court.

It may be added here that there cannot be such increase in the mesne profits, which would virtually render the tenant in a position where he is unable to pay the mesne profits and is forced to vacate the premises. The parameters, as have been taken into consideration by the Appellate Authority, being based upon the settled preposition of law do not call for any interference in the present revision petition. The same, therefore, stands dismissed.

December 07, 2016

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned:	Yes
Whether Reportable:	No