

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

Civil Revision No.1186 of 2017

Date of decision: 17.02.2017

M/s TCI Express Ltd. (Earlier known as TCI XPS) **...Petitioner**

Versus

Rajesh Khanna and another **...Respondents**

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Vikrampreet Arora, Advocate for
Mr. Maninder Arora, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The present revision petition is directed against the order dated 29.9.2016 (Annexure P/1) passed by the Appellate Authority, Jalandhar whereby mesne profits have been fixed at the rate of ₹ 17,500/- per month.

Reliance was placed upon an agreement dated 21.12.2013 pertaining to the property situated in same market on the basis of whereof ₹ 25,000/- per month was claimed by the respondents/landlords on account of an ejectment order having been passed by the Rent Controller, Jalandhar vide order dated 31.10.2014 (Annexure P/2) as the rent @ ₹ 300/- per month since 2002 had not been tendered.

The Appellate Authority, Jalandhar has noticed that no contrary material as such has been placed on record by the petitioner-tenant. A perusal of the ejectment petition would go on to show that the shop is situated in Khanna Market, Basti Nau, Jalandhar. The petitioner-tenant is a reputed transporter and running its business of "courier" at the national level and therefore, using the property as such for commercial purposes.

In such circumstances assessment as such of mesne profits

which had been made does not suffer from any infirmity or illegality. This Court in **Angoori Devi and others Vs. Smt. Satya Bhana 2016(5) R.C.R. (Civil) 1043** has held that there cannot be straight jacket formula for fixing the amount of mesne profits and the Court would have to be guided by the facts. Keeping in view the above the Appellate Authority was guided by the agreement dated 21.12.2013 pertaining to the property situated in the same market and had fixed the mesne profits. The same does not appear to be fanciful or a bonanza in any manner keeping in mind the rate of rent alleged by the landlords and the order passed is just and reasonable.

In such circumstances, this Court is of the opinion that there is no infirmity or illegality in the impugned order dated 29.9.2016 (Annexure P/1) which would warrant interference by this Court in revisional jurisdiction.

Accordingly, the present revision petition is dismissed.

February 17, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No