

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

**Civil Revision No.3752 of 2017
Decided on : 23.05.2017**

Superintending Engineer Tube Well Circle Punjab

... Petitioner

Versus

Raj Kumar and another

... Respondents

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

Present : Mr. Paramjit Singh Thiara, Advocate
for the petitioner.

G.S. Sandhawalia, J. (Oral)

The present revision petition has been filed by petitioner-tenant for setting aside the order dated 25.04.2017 (Annexure P-1) passed by the Appellate Authority, Chandigarh, whereby mesne profits have been assessed @ ₹50,000/- per month.

Counsel for the petitioner has vehemently argued against the arbitrary fixation of ₹50,000/- per month as mesne profits of the tenanted premises by the Appellate Authority during the pendency of the appeal.

It is not disputed that an eviction order was passed on 08.11.2016, against the present petitioners who are on the second floor of the SCO No.1138-1139, Sector 22-B, Chandigarh and who are paying the rent @ ₹2,200/- per month, in spite of the fact that it is a Government Corporation and is in occupation since last more than 30 years.

Counsel for the petitioner further submitted that there was no lease deeds on which reliance was placed by the Appellate Authority, while fixing the mesne profits and, therefore, the order is not sustainable.

As noticed the premises are situated in Sector 22-B, Chandigarh, which is the commercial hub of the town. It is not disputed that the premises are at a stone's throw from the Aroma Hotel and facing Sector 21, which is a premium shopping area.

This Court vide order dated 15.05.2017 passed in **CR-7263-2012 'Bhaskar Singh and another Vs. Vijay Pal Singh'** has fixed the mesne profits @ ₹100/- per square feet for SCO No.1018-1019, Sector 22-B, Chandigarh on the basis of the registered lease deeds of similarly situated premises.

In the present case, the premises in question are reasonably close by the abovesaid premises and have an frontage and equivalent parking facilities etc. Even on account of being on the second floor and occupying approximately 1000 square feet, the rate of mesne profits only comes to ₹50/- per square feet. In the other case referred above for the ground floor the mesne profits has been fixed at double the amount.

Resultantly, this Court is of the opinion that the impugned order does not suffers from any procedural infirmity, which would warrant interference by this Court under the revisional jurisdiction.

Accordingly, the present revision petition is dismissed in limine.

MAY 23, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No