

CR 4011/2017

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR 4011/2017(O&M)
Date of decision:27.10.2017

Ravinder Kumar and another

.....Petitioners

v.

Pawan Kumar

.....Respondent

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.RS Rana,Advocate for the petitioners

Jaswant Singh,J,(Oral).

Two tenants,who are brothers, are in revision directed against the order dated 2.5.2017 passed by the learned Appellate Authority, SAS Nagar Mohali whereby mesne profits @ Rs.5000/- per month have been assessed to be paid w.e.f. the date of eviction order i.e. 12.10.2016 for the demised premises, a *Dhaba*, during the pendency of the appeal filed by the tenants.

This Court vide order dated 1.6.2017 had issued notice of motion while permitting the deposit of mesne profits at the reduced rate of Rs.2500/- per month by 31.7.2017. For ready reference the order dated 1.6.2017 reads as under:-

“Inter alia submits that mesne profits @ Rs.5000/- has wrongly been fixed and the premises in question are only a shop on the Kurali-Ropar road and there was no barometer by way of registered lease deed and the premises were initially leased out @ Rs.710/- per month.

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Notice of motion for 25.10.2017.

In the meantime, mesne profits @ Rs.2500/- will be deposited, by 31.7.2017, subject to the same terms and conditions as imposed by the Appellate Authority, SAS Nagar (Mohali).”

None appeared on behalf of the landlord on 25.10.2017 inspite of report of service on the landlord through his son. Position is the same today.

It is conceded that the learned Appellate Authority has vide order dated 19.7.2017 dismissed the appeal of the tenants and eviction order passed on the ground of personal necessity stands affirmed.

In the absence of any contest on behalf of the landlord, this Court is inclined to accept the prayer of the petitioner/tenant for reducing the mesne profits from Rs.5000/- to Rs.2500/- per month.

In view of the above the present revision petition is allowed and the impugned order dated 2.5.2017 is modified to the extent that the determined mesne profits shall be read to be at the rate of Rs.2500/- per month.

Respondent/landlord shall be entitled to seek withdrawal of the mesne profits so deposited by the petitioners/tenants.

27.10.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No