

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

C.R. No. 4098 of 2017 (O & M)

Date of decision: 02.06.2017

Gian Singh

....Petitioner(s)

Versus

Jagdev Singh and another

...Respondent(s)

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

Present: Mr. Arihant Jain, Advocate,
and Mr. Arun Jindal, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The tenant is aggrieved against the order passed by the Appellate Authority dated 11.05.2017 whereby, the mesne profits have been fixed @ ₹2,000/- per month from the date of the eviction order i.e. 17.09.2015 passed by the Rent Controller, Dhuri.

Counsel for the petitioner has vehemently submitted that as per his claim, the rent in the adjoining area was only ₹1,200/- and, therefore, the mesne profits have been fixed on the excessive side.

After hearing counsel for the petitioner, this Court is of the opinion that there is no scope for interference in the present revision petition. The shop in question is situated on the Bus Stand Road, Dhuri, which would be clear from the description of the premises in the eviction petition. The tenancy is an old tenancy and there was litigation way back in the year 2002. Counsel submits that at present, ₹600/- per month is being paid for the shop in question.

Keeping in view the fact that there has been no enhancement

since over 15 years, this Court is of the opinion that the mesne profits which have been fixed at ₹2,000/- per month is justified and against the claim of the landlord, who had claimed that the prevalent rate for similar premises is ₹7,000/- to ₹15,000/- per month.

Thus, it cannot be said that the mesne profits which have been fixed are on the excessive side or in the form of a bonanza for the landlord. Accordingly, there is no merit in the present revision petition and the same is dismissed in limine.

02.06.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No