

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 08.08.2017****CR No.5143 of 2017 (O&M)**

Subhash Chand Jain

...Petitioner

Vs.

Shashi Bala & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Amit Jain, Advocate, for the petitioner.

Mr. Vikas Jain, Advocate, for the respondent-caveators.

RAJIV NARAIN RAINA, J. (ORAL)

Having heard learned counsel for the parties at some length on their respective stands on adequate and reasonable mesne profits, I should imagine that if the mesne profits of the demised premises have been arbitrarily fixed by ipse dixit of the learned Appellate Authority, Chandigarh without recording reasons in writing in his order dated 06.07.2017 to support ₹15,000/- per month. On debate of counsel during the hearing, I think they deserve to be halved to bring ₹7500/- to the landlord every month and in this by keeping off my hands on the pulse of the market, which pulse used by the learned Appellate Authority is an uncertain element to deal with on the evidence available at his stage as to the true and real value of the market rent of the premises from where eviction has been ordered by the Rent Controller, Chandigarh.

Accordingly, the arrears of mesne profits shall be deposited @ ₹7500/- per month before the Rent Controller within a period of one month pending appeal and thereafter, mesne profits for use and occupation of the

demised premises be paid to the landlord on or before the 10th day of every month. Any default will entail restoration of impugned assessment by the Appellate Authority for the period in default.

I have no doubt that the learned Appellate Authority in all such cases endeavours to dispose of the appeals on merits as soon as practicable and within the constraints of time and the length of the daily board.

With these observations, the instant petition stands disposed of.

08.08.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*