

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

Civil Misc. No.996-CII of 2017 in/and
Civil Revision No.7082 of 2016
Date of decision: 23.01.2017

Baljit Kaur

...Petitioner

Versus

Daljit Singh and another

...Respondents

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

Present: Ms. Alka Sarin, Advocate for the petitioner.
Mr. H.S.Dhindsa, Advocate for applicant-respondents.

G.S.SANDHAWALIA, J. (Oral)

Civil Misc. No.996-CII of 2017

Prayer made in the present Civil Misc. Application for placing on record affidavit of respondent no.1-Daljit Singh is allowed subject to just exceptions.

The affidavit is taken on record.

Office to tag the same at appropriate place in the file.

The Civil Misc. Application stands disposed of accordingly.

Civil Revision No.7082 of 2016

The present revision petition has been filed by the petitioner-landlady against the order dated 1.8.2015(Annexure P/3) passed by the Appellate Authority, Ludhiana whereby mesne profits had been assessed at the rate of ₹ 5000/- per month during the pendency of appeal which had been filed against the ejectment order dated 8.8.2014(Annexure P/1).

Counsel for the petitioner has submitted that the rent prevailing in the area was ₹ 16,750/- per month and even more and has placed reliance upon the rent agreement (Annexure P/2) to submit that the mesne profits

had been fixed on the lower side.

A perusal of the impugned order would go on to show that the petitioner/landlady had herself placed on record rent note of ₹ 16,750/- per month. It is accordingly pointed out that as per Annexure P/2, the rent note was of ₹ 32,500/- per month and has been misread by the Appellate Authority. It is not disputed that the said agreement is not registered and therefore, the same cannot be relied upon keeping in view the law laid down by this Court in **Surender Kumar Vs. Rattan Lal 2006(2) PLR 200**. The case of the landlady was that agreed rent was at the rate of ₹ 2600/- per month and eviction was ordered on the ground of bonafide personal necessity. The mesne profits have been accordingly fixed at twice the rate of rent.

In such circumstances, this Court is of the opinion that there is no infirmity or illegality in the impugned order dated 1.8.2015(Annexure P/3) which would warrant interference by this Court.

Accordingly, the present revision petition is dismissed.

At this stage, counsel for the petitioner has argued that eviction order is dated 8.8.2014 (Annexure P/3) and therefore, it is submitted that the Appellate Authority, Ludhiana may be directed to dispose of the appeal within some time bound frame.

The request being reasonable, it is directed that the Appellate Authority shall decide the appeal within a period of six months from today.

January 23, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No