

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

**Civil Revision No.748 of 2017
Decided on : 03.02.2017**

Parkash Chand

... Petitioner

Versus

Bimla Devi

... Respondent

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

Present : Mr. Naresh Kumar, Advocate for
Mr. Ram Darshan Yadav, Advocate for the petitioner.

G.S. Sandhawalia, J. (Oral)

The challenge is to the order dated 10.01.2017 in revision, whereby the Appellate Authority has fixed mesne profits @ ₹3,000/- during the pendency of the appeal, in view of the eviction order dated 04.07.2016.

Counsel for the petitioner has vehemently submitted that the rent as such *inter se* the parties was ₹200/- and, therefore, the amount fixed is fanciful and without any valid parameter.

The Appellate Authority while disposing of the stay application noticed that a sum of ₹15,000/- was being claimed as mesne profits by the landlord and took into account the law laid down by the Apex Court in '***M/s Atma Ram Properties (P) Ltd. Vs. M/s Federal Motors Pvt. Ltd.***' 2005 (1) RCR 212 and '***Anderson Wright & Co. Vs. Amar Nath Roy and others***' 2005 (2) RCR (Civil) 831 to come to the conclusion that the contractual rate of rent would come to an end. The rate of rent had never been increased, since 2000 and neither of the parties had placed on record anything to show that what was the prevailing rent of similarly situated shops. However, it

was noticed that the premises is near to main market and being in a commercial building was being used for the said purpose. Resultantly, a sum of ₹3,000/- has been fixed as mesne profits.

During the course of the arguments, it transpires that the petitioner is involved in the business of sale of marble etc. In such circumstance, this Court is of the opinion that keeping in view of the judgment of this Court in '*Angoori Devi and others Vs. Satya Bhama*' **2016 (5) RCR (Civil) 1043**, the Appellate Authority has rightly applied the relevant fact and kept the same into mind while fixing mesne profits, which cannot be said as fanciful as such or a bonanza for the landlord-respondent.

Accordingly, there is no scope for interference in the impugned order. The revision petition stands dismissed.

FEBRUARY 03, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No