

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

216

CR No.7804 of 2014
Decided on : 21.02.2017

Ved Parkash Adlakha

... Petitioner

Versus

Mrs.Sonia Kulrattan Kaur

.. Respondent

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

Present:- Mr.Jatinder Kumar Puri, Advocate
for the petitioner.

Mr.Deepak Arora, Advocate for
Mr.Palvinder Singh, Advocate for the respondent.

G.S.Sandhawalia, J. (Oral)

The present revision petition by the landlord is directed against the order of the appellate authority, Chandigarh dated 29.09.2014 (Annexure P/2), whereby the mesne profit of Rs.3500/- per month has been fixed for the premises in question i.e. House No.3728, Sector 46-C, Chandigarh which consists of one furnished room on the ground floor.

On the eviction order being passed, the appeal was filed before the appellate authority wherein the claim of the landlord was that the prevalent rate of rent was of Rs.7300/- per month, therefore, the mesne profits of Rs.8000/- per month should be paid. Copy of the lease deed dated 07.08.2013 of House No.370, Sector 38-A, Chandigarh (Annexure P/3) in a similar circumstances was relied upon. The stance of the tenant was that the exaggerated rate of rent was being asked for and rate of rent was to be Rs.2000/- per month.

After hearing arguments of both the parties and keeping in view of the judgment passed by this Court in case State of Maharashtra Vs. Supermax International Pvt. Ltd. 2009(11) SCC 345, the amount was fixed

as Rs.3,500/- as mesne profits/rent. It is also on record that the rent as such was Rs.2000/- between the parties. The condition was that in case the appeal was allowed, the refund was to be made of the excess amount. It is not disputed that the appeal was thereafter dismissed and tenant has also vacated the premisses.

Reliance of the petitioner-landlord upon the lease deed of House No.370, Sector 38-A, Chandigarh to claim Rs.8000/- p.m. is fallacious as-much-as tenancy was only for 11 months in the said case and it was not registered lease deed. In Surinder Kumar Vs. Rattan Lal 2006(2) RCR 486, it has been held that only registered sale deed would be a valid parameter as such and therefore, reliance placed upon the same is not justified. In case of Angoori Devi and others Vs. Satya Bhama, 2016(5) RCR (Civil) 1043, it has been held that various facts have to be kept into consideration. The judgment now relied upon in Sunil Kumar and another Vs. Santosh Devi 2005 (3) PLR 385 would not support the petitioner since that was a case of provisional rent and the rate of rent was assessed on the basis of income tax and the entries made in the house tax register which is not the case in hand since reliance is being placed on Income Tax returns of the landlord as such.

In such circumstances, the order passed by the appellate authority does not suffer from any infirmity which would warrant interference by this Court.

Dismissed.

[G.S.Sandhawalia]
Judge

21.02.2017
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No