

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

CR No.8339 of 2015 (O&M)

Date of decision: 24.1.2017

Satinder Singh Arora

... Petitioner

versus

Ashwani Kohli and others

.... Respondents

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

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

Mr.V.M.Gupta, Advocate for the respondents.

G.S.Sandhawalia,, J.

The present revision petition by the landlord is directed against the order dated 3.8.2015 whereby the Appellate Authority has fixed the mesne profits @ Rs.12,000/- for the premises in question i.e. first floor, SCO No.30-31, Sector 28-C, Chandigarh. The reasoning, which prevailed with the authority, is that the lease deed, which is relied upon, was regarding the complete ground floor for running the restaurant whereas the premises are only two rooms on the first floor which is much less than the area of ground floor and the same cannot be relied upon.

Similarly, lease deed dated 29.3.2011 also relied upon regarding the complete ground floor and first floor of Sector 19, Chandigarh was not accepted since the premises in question were of

Sector 28, Chandigarh and that of Saloon business. It was noticed that tenant was in occupation for the last 40 years and the building was quite old and it is not disputed that premises had been rented out @ Rs.175/- p.m. when the landlord had purchased the property. In such circumstances, mesne profits @ Rs.12,000/- were fixed. Vide impugned order, it is not disputed that possession has now been taken over by the landlord.

In such circumstances, this Court is of the opinion that the order does not warrant any interference and is well justified, since the order of mesne profits cannot be for the purpose of a bonanza for the landlord. It is to be noticed that the tenant had access from the back of the building and was sharing a toilet. The lease deeds relied upon by the petitioner all pertained to commercial premises. In *Angoori Devi and others Vs. Smt.Satya Bhan, 2016(5) RCR (Civil) 1043*, it has been held that there can be no straight jacket formula for fixing the mesne profits and the Courts have to be guided by various factors. The Appellate Authority has kept all these factors in mind.

Dismissed.

(G.S.Sandhawalia)
Judge

24.1.2017
Meenu