

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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[CR-1263-2018 \(O&M\)](#)

Date of decision : 23.02.2018

PARMINDER SINGH

....Petitioner

Versus

GURMEET KAUR

...Respondent

CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present:- Mr.Daljit Paul Singh, Advocate
for the petitioner.

Harinder Singh Sidhu, J (Oral)

This revision petition has been filed against the order dated 23.1.2018 of the Appellate Authority, Amritsar whereby the mesne profit of the demised shop has been assessed at the rate of Rs.8,000/- per month from the date of order of eviction.

A perusal of the impugned order reveals that in support of her claim, the respondent-landlady had placed on record copies of the rent notes of two shops and submitted that these shops were situated in the same locality where the demised shop is situated. The said shops had been given on rent at the rate of Rs.12,000/- and Rs.20,000/- per month.

Learned Appellate Authority after going through the record, noted that the demised shop was in an area of 7' X 18.6' whereas the shops, the rent notes in respect whereof had been relied by the respondent were of much larger area. Taking into consideration the fact that the tenancy had commenced in the year 2004 at monthly rent of Rs.2500/-, the mesne profits were assessed at the rate of Rs.8,000/- per month. It was directed that the respondent would not be entitled to withdraw the amount which the petitioner-tenant had been paying as rent. The balance amount would remain deposited with the Rent Controller and be paid to the party in whose favour the appeal is decided.

Learned counsel for the petitioner contended that the rate of rent was Rs.2500/- per month on 15.6.2004 with a condition to increase the rent at the rate of 5% after three years. The mesne profits ought to have been fixed accordingly. This argument would be of no avail to the petitioner once the ejectment has been ordered and the court was independently assessing the mesne profits. Further, the

petitioner-tenant did not lead any evidence before the Appellate Authority to indicate what would be the prevailing rent in the locality. In any event, the mesne profits assessed, do not appear to be excessive.

There is no ground to interfere with the impugned order.

Dismissed.

(HARINDER SINGH SIDHU)
JUDGE

23.02.2018

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