

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-1384-2018 (O&M)
Date of Decision: 01.08.2018

Rajinder Kumar

--Petitioner

Versus

Veena Sahnan

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sham Lal Bhalla, Advocate for the petitioner.

Mr. A.P.S. Chaudhary, Advocate for the respondent.

TEJINDER SINGH DHINDSA.J (Oral)

The instant revision petition is directed against the order dated 2.2.2018 passed by the Appellate Authority, Ludhiana and in terms of which an application moved by the landlord for mesne profits, has been dealt with and the mesne profits have been assessed @ Rs.10,000/- per month w.e.f. the date of passing of the eviction order.

Brief factual premise and which is not in dispute may be noticed. In pursuance to eviction proceedings having been initiated at the hands of landlord pertaining to shop bearing municipal no.344/2-A, Bharat Nagar near Bus Stand, Ludhiana vide judgement dated 20.9.2017, passed by the Rent Controller, Ludhiana, eviction of the tenant (petitioner herein) was directed on the ground of bonafide personal necessity.

Against the order of eviction an appeal was filed by the tenant which is pending adjudication before the Appellate Authority, Ludhiana.

An application was moved by the landlord for mesne profits by asserting that the prevailing rent in the locality is to the tune of Rs.50,000/- per month. The tenant opposed the application by taking a stand that a sum of Rs.2500-3000/- per month would be reasonable keeping in view the

prevalent rent in the market/locality.

The application moved by the landlord has been dealt with in terms of impugned order dated 2.2.2018 passed by the Appellate Authority and mesne profits @ Rs.10,000/- per month has been assessed.

During the course of hearing today certain developments have taken place and on account of which the legality of the impugned order dated 2.2.2018 need not be examined.

In the pre-lunch session Mr. A.P.S. Chaudhary, Advocate had put in appearance on behalf of the landlord/respondent herein.

Counsel for respective parties had prayed for hearing of the case to be deferred to the post-lunch session to explore the possibility of an amicable settlement and consensus on the issue.

During the course of resumed hearing in the post-lunch session counsel for the tenant as also for the landlord are agreed that Rs.8,000/- be fixed as the mesne profits.

In the light of such consensus having been arrived at, the impugned order dated 2.2.2018 passed by the Appellate Authority, Ludhiana is modified. As per joint statement made by counsel for the parties, mesne profits @ Rs.8,000/- per month would now be payable w.e.f. the date of passing of the ejectment order i.e. 20.9.2017.

Since the uncontroverted position is that the tenant has already paid a sum of Rs.10,000/- per month towards mesne profits from the date of eviction i.e. 20.9.2017, it would be open for the tenant to adjust the higher amount paid @ Rs.2,000/- per month from 20.9.2017 till date in the future mesne profits that are payable to the landlord.

Petition is, accordingly, disposed of in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

01.08.2018

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