

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

CR No.321 of 2018 (O&M)

Date of Decision: January 18, 2018

Jai Bhagwan and others

...Petitioners

Versus

Sudesh Kumar

...Respondent

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Siddharth Gulati, Advocate for
the petitioners.

HARINDER SINGH SIDHU, J.

Challenge herein is to the order dated 22.9.2017 passed by the Appellate Authority, Kaithal, whereby, mesne profits have been assessed at Rs.5000/- per month.

Learned counsel for the petitioners contends that the tenanted premises had been taken on rent vide rent note dated 16.3.1999 at the rate of Rs.1150/- per month besides house tax. In the eviction petition filed by the respondent, it had been stated that the rent of tenanted premises was Rs.16700/- per annum i.e., Rs. 1391/- per month besides house tax He, accordingly contended that there was no basis for fixing the mesne profits at Rs.5000/- per month.

Having heard learned counsel, I feel there is no ground for interference with the impugned order.

In the impugned order, it has been noticed that the respondents had pleaded that the rent of similar shops in the same locality was about Rs.8000/- per month. Reliance in this regard had been placed upon receipt issued by Municipal Council, Kaithal with regard to payment of rent of shop

No.514/509. This shop was stated to be in the same locality near Bhagat Singh Chowk, where, the demised premises is situated. It was also noted that the rent had increased manyfold since the rent note was signed by the petitioners on 16.3.1999, wherein, the agreed rate of rent was Rs.1150/- per month. Accordingly, the mesne profits were assessed at Rs.5000/- per month.

In view of the fact that the mesne profits have been fixed by the Appellate Authority by taking into consideration the location of the shop and the rent of shops in the neighbourhood , no interference is called for in the impugned order.

Revision dismissed.

January 18, 2018
gian

(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No