

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-4555-2018 (O&M)
Date of Decision: 20.07.2018

Surinder Kumar

--Petitioner

Versus

Gurcharan Singh & another

--Respondents

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

Present:- Ms. Sandeep Kaur, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

The instant revision petition has been filed assailing the order dated 20.3.2018 passed by the Appellate Authority, Chandigarh and in terms of which an application moved by the landlord for assessment of mesne profits has been dealt with and the mesne profits in relation to the demised premises stands assessed as Rs.10,000/- per month.

Brief facts that would emanate from the pleadings on record are that the landlord namely Gurcharan Singh filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act against Surinder Kumar (petitioner herein) seeking eviction from Shop No.118/1, Village Palsora, U.T., Chandigarh measuring 7 feet x 20 sq. feet. The petition was allowed by the learned Rent Controller, Chandigarh vide judgement dated 28.10.2017 and ejectment of the tenant (present petitioner) was directed by accepting the plea of personal bonafide use and necessity of the landlord.

Apparently, appeal was preferred by the tenant before the Appellate Authority and in such proceedings an application was moved by the landlord for assessment of mesne profits and which has led to the passing of the impugned order dated 20.3.2018.

Counsel for the petitioner has vehemently argued that the Appellate Authority has erred in taking into account a lease deed dated 9.9.2014 relied upon by the landlord in respect of Shop No.1, House No.90, Village Palsora, U.T., Chandigarh, wherein rent was reflected as Rs.26,620/-. It is urged that the dimensions of such shop for which lease deed dated 9.9.2014 had been entered into was measuring 16 feet x 48 feet and as such no comparison could have been drawn.

Having heard counsel for the petitioner at length, I am of the considered view that no intervention in this matter is warranted.

Undoubtedly, the lease deed dated 9.9.2014 in respect of Shop No.1, House No.90, Village Palsora, U.T., Chandigarh and upon which the landlord was placing reliance is with respect to premises which is much less in area i.e. 16 feet x 48 feet, whereas the premises in question measure only 7 feet x 20 feet. Be that as it may, the rent reflected in the lease deed dated 9.9.2014 was Rs.26,620/-. Such lease deed would certainly provide a lead to the market rent being fetched in the area. The Appellate Authority while passing the impugned order has proportionately reduced the quantum and has assessed the mesne profits as Rs.10,000/-. Furthermore, it is the conceded position of fact that tenancy in the present case had commenced way back in the year 2002 and @ Rs.2200/- per month. Under such circumstances and 16 years having since elapsed quantifying the mesne profits at Rs.10,000/- per month cannot be stated to be unreasonable.

This Court does not find any infirmity in the impugned order dated 20.3.2018.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

20.07.2018

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