

**CR No. 5751 of 2018(O&M)**  
**Date of Decision:13.9.2018**

**Rajinder Kumar**

**---Petitioner**

**vs.**

**Sandeep Kumar**

**---Respondent**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

**\*\*\***

**Present:** Mr. Mandeep K. Sajjan, Advocate  
for the petitioner

**\*\*\***

**Rekha Mittal, J.**

The present petition directs challenge against order dated 7.8.2018 (Annexure P-6) passed by the Appellate Authority, SAS Nagar Mohali whereby mesne profits have been fixed @ Rs. 7500/- per month during pendency of the appeal against eviction order dated 9.10.2017 passed by the Rent Controller, SAS Nagar Mohali.

The sole submission made by counsel for the petitioner is that the rent payable with effect from 1.4.2014 is Rs. 5000/- per month, therefore, mesne profits @ Rs. 7500/- per month which amounts to 50% increase of the agreed rent is on higher side and needs reduction. It is further argued that the respondent-landlord failed to produce any documentary evidence justifying assessment of mesne profits @ Rs. 7500/-

per month.

I have heard counsel for the petitioner and perused the paper book particularly various annexures appended with the petition including the order impugned.

Counsel for the petitioner has fairly conceded that as per the agreement between the parties, rent is liable to be increased @ 10% after every three years. Rent @ Rs. 5000/- per month was payable w.e.f. 1.4.2014 and accordingly w.e.f. 1.4.2017 rent with enhancement would be Rs. 5500/- per month. The Appellate Authority has assessed mesne profits @ Rs. 7500/- per month. It is not the plea of the petitioner that there is no change in the rental value of the property in question since the year 2002 when the tenancy was initially created. In the given circumstances, I do not find any reason to interfere in exercise of jurisdiction under Article 227 of the Constitution of India.

For the foregoing reasons, the petition fails and is accordingly dismissed in limine.

**(Rekha Mittal)**  
**Judge**

**13.9.2018**  
paramjit

Whether speaking/reasoned: Yes  
Whether reportable : Yes/No