

**Sr. No. 123
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CR No.6351 of 2018 (O&M)
Date of Decision: 26.09.2018**

M/s Jai Jagdamba Trading Company and another
... Petitioner

Versus

Des Raj Gupta

... Respondent

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

Present:- Mr. Ashish Bansal, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Instant petition has been filed under Article 227 of the Constitution of India assailing the order dated 14.08.2018 (Annexure P-4) passed by the learned Additional District Judge, Chandigarh-Cum-Appellate Authority and in terms of which an application moved by the landlord for assessing mesne profits in respect of premises described as portion of Godown No.181, Grain Market, Sector 26, Chandigarh has been dealt with and the same have been assessed as Rs.60,000/- per month (minus agreed rent).

Pleadings on record would indicate that an eviction petition filed by the landlord against the tenant (petitioner herein) was allowed by the Rent Controller vide order dated 22.04.2018. The tenant filed an appeal and which is pending final adjudication before the Appellate Authority, Chandigarh. It is during pendency of the proceedings before the Appellate Authority that an

application was moved by the landlord for determining mesne profits and which has been dealt with in terms of the impugned order dated 14.08.2018.

Counsel for the petitioner has been heard at length.

Suffice it to observe that the landlord had relied upon three different lease deeds in support of his prayer for assessment of mesne profits. In the impugned order, the Appellate Authority has taken note of a lease deed pertaining to Godown No.170, Grain Market, Sector 26, Chandigarh measuring 11.5 X 34 sq. ft. and in which the monthly rent fixed was Rs.1,15,500/-. Such lease deed admittedly was a registered document.

Adverting back to the facts of the present case, the demised premises is situated virtually in an identical location i.e. Godown No.181, Grain Market, Sector 26, Chandigarh itself and also measures approximately the same in terms of square feet coverage.

Counsel having argued the matter at length and having failed to convince the Court on merits makes a statement that he would not be pressing the instant petition and indulgence is sought for a period of one week to tender the mesne profits assessed w.e.f. the date of eviction orders i.e. 22.04.2018. In support of such prayer, counsel submits that in terms of the order passed by the Appellate Authority on 14.08.2018, the mesne profits were to be deposited on or before 20.09.2018 and on account of certain pressing circumstances time was consumed to collect the funds.

Counsel submits that necessary funds are now available

with the tenant/petitioner and the same would be deposited positively on or before 01.10.2018.

In the light of the limited prayer made by the counsel, instant petition is dismissed as not pressed. Extension of time up to 01.10.2018 is granted in favour of the petitioner/tenant to comply with the order dated 14.08.2018 passed by the Appellate Authority, Chandigarh in letter and spirit.

The aforesaid directions have been issued and indulgence has been shown in favour of the tenant without issuing notice to the landlord so as to obviate any further delay in the matter and also to avoid the burden of litigation expenses upon the landlord.

Dismissed.

26.09.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No