

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Civil Revision No. 8447 of 2018

Date of Decision: December 11, 2018.

Ravinder Singh @ Kaka

..... PETITIONER (s)

Versus

Balwant Singh

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Harshit Jain, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Petitioner is aggrieved of order dated 15.11.2018 (Annexure P1) passed by the learned Appellate Authority, Sangrur whereby mesne profits at the rate of ₹7,500/- per month have been assessed for the premises, in question.

Petition under Section 13 of the East Punjab Rent Restriction Act, 1949 filed by the respondent-landlord was allowed and eviction of the petitioner was ordered by the learned Rent Controller, Dhuri vide judgment dated 13.08.2018 (Annexure P4). During pendency of the appeal filed by the petitioner, application moved by respondent-landlord for grant of mesne profits alongwith an application for stay filed by the petitioner-tenant was decided by

the learned Appellate Authority vide impugned order dated 15.11.2018. The petitioner has been directed to pay mesne profits at the rate of ₹7,500/- per month from the date of order of eviction within one month alongwith arrears of rent at the rate of ₹2,117/- w.e.f. 01.05.2017 to 13.08.2018. Eviction of the petitioner from the demised premises has been ordered to be stayed subject to the same. Aggrieved from the quantum of mesne profits, this petition has been filed.

Learned counsel for the petitioner vehemently argues that the learned Rent Controller had assessed the rate of rent at the rate of ₹2,117/- per month which was being paid by the petitioner. There is no justification for fixation of mesne profits at the rate of ₹7,500/- per month. It is submitted that mesne profits should not be more than ₹2,500/- per month. It is thus prayed that this petition be allowed.

I have heard learned counsel for the petitioner and have gone through the file.

Admittedly, eviction of the petitioner has been directed vide judgment dated 13.08.2018 passed by the learned Rent Controller, Sangrur. Learned Rent Controller during the pendency of the petition fixed the rent/provisional rent at the rate of ₹2,117/- per month which stands paid upto 01.05.2017. Appeal filed by the petitioner is pending before the Appellate Authority. A perusal of the impugned order dated 15.11.2018 passed by the learned appellate authority reveals that the landlord relied upon a copy of rent deed dated 16.03.2016 reflecting the rate of rent of shop measuring 10' x 11' to be ₹10,000/- per month with a clause for 5% periodic increase in rent. The shop in question measures 6'9" x 12'. Learned Rent Controller has accordingly assessed

mesne profits at the rate of ₹7,500/- per month. Learned counsel for the petitioner does not deny the genuineness of the said document dated 16.03.2016 or that the said shop is in the vicinity of the premises in question, though area of the demised shop is stated to be much less. Reliance by learned counsel on lease deed dated 01.02.2011 is of no avail, for the reason that firstly, it is not clear whether the said document was ever produced before the learned Appellate Authority and secondly, the said lease deed is of the year 2011.

Learned counsel for the petitioner is unable to point out any infirmity, illegality or perversity in the impugned order dated 15.11.2018 passed by the learned Appellate Authority, Sangrur which warrants any interference by this Court in exercise of revisional jurisdiction regarding the assessment of mesne profits. However, order dated 15.11.2018 is modified to the extent that a sum of ₹2,500/- shall be released to the landlord and rest of the amount be kept in FDRs earning maximum returns which shall be released in accordance with the final decision of the appellate authority. Rest of the directions of the appellate authority shall enure.

Present revision petition is disposed of.

December 11 , 2018.
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(LISA GILL)
JUDGE

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