

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 2665 of 2019

Date of Decision: 17.5.2019

Om Parkash

---Petitioner

versus

Rajinder Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Munish Jolly, Advocate
for the petitioner**

Rekha Mittal, J.

Challenge in the present petition filed under Article 227 of the Constitution of India has been directed against order dated 17.8.2018 (Annexure P-5) passed by the Appellate Authority, Chandigarh whereby mesne profits in respect of tenancy premises i.e. back side portion of ground floor of SCO No. 151, Sector-37-C, Chandigarh measuring 13 feet x 16.6 feet has been assessed at the rate of Rs.20,000/- per month.

Counsel for the petitioner-tenant would argue that though the Appellate Authority has refused to rely upon two lease deeds in respect of back portion of ground floor of SCO No. 155, Sector-37-C and front portion of ground floor of SCO No. 170, Sector-37-C, Chandigarh, made basis for assessment of mesne profits @ Rs. 40,540 to 42,685/- per month by the respondent but still the Appellate Authority has assessed mesne profits at an exorbitant rate of Rs. 20,000/- per month. It is further argued that many commercial properties in Sector-37-C, Chandigarh are lying vacant and land

owners are not getting prospective tenants for the same.

The tenancy in respect of the premises in question was created way back in the year 1979. During the interregnum, market value and rental value of the properties in Chandigarh has increased substantially. Though the Appellate Authority has refused to rely upon the two documents relied upon by the respondent for the reason that the premises let out recently will have better construction viz-a-viz old premises but nothing has been mentioned as to when SCO Nos. 155 and 170 in Sector-37-C, Chandigarh were constructed to compare with construction of SCO in question. Taking into consideration rental value mentioned in the lease deeds aforesaid coupled with that tenancy in favour of the petitioner was created almost 40 years ago, I find it difficult to accept contention of the petitioner to interfere in the order impugned, in exercise of jurisdiction under Article 227 of the Constitution of India.

For the foregoing reasons, finding no merit, the petition fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

17.5.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No