

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.3629 of 2019(O&M)
Date of Decision: 26.09.2019.

Vinod Saini and another

.....Petitioners

Versus

Joginder Pal and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rajan Bansal, Advocate
for the petitioners.

LISA GILL, J(Oral).

This petition has been filed by the petitioners challenging order dated 11.04.2019, passed by the learned Appellate Authority, Bathinda, whereby *mesne* profits at the rate of ₹10,000/- per month have been assessed in respect to the demised premises, which is a shop located at Gandhi Market, Bathinda.

Present petitioners-landlords, filed a petition under Order 41 Rule 5 read with Section 15(2) of the East Punjab Urban Rent Restrict Act read with Section 151 CPC, which was allowed on 12.02.2019, by the learned Rent Controller, Bathinda, whereby ejectment of the respondents-tenants, has been ordered.

An appeal has been preferred by the respondents-tenants. While deciding the application for stay of the operation of the eviction order dated 12.02.2019, learned Appellate Authority, Bathinda, assessed *mesne* profits in respect to the premises at the rate of ₹10,000/- per month and directed that the arrears of rent at the said rate be cleared within 30 days and the respondent-tenant was directed to further pay *mesne* profits by the 8th of each month during the pendency of the appeal. Operation of the eviction order dated 12.02.2019, was stayed subject to deposit of the same.

Aggrieved therefrom, the petitioners-landlords have filed the

present petition.

Learned counsel for the petitioners vehemently argues that present revision petition has been filed by the petitioners-landlords with a grouse that *mesne* profits of the demised premises have been assessed at a lower rate, which is unjustified keeping in view the rent notes dated 28.11.2018, 21.05.2018 and 14.05.2018, furnished by him in respect to similarly situated premises. It is submitted that as per the said rent notes, the premises therein, measuring 41.33 sq.yards, 43 sq. yards, have been let out for a monthly rent of ₹35,000/- per month. Therefore, *mesne* profits be enhanced.

I have heard learned counsel for the petitioners and have gone through the file with his assistance.

Learned counsel for the petitioners is unable to deny that the rent notes relied upon, are in respect to premises measuring nearly three times the size of the demised premises. In such a situation, I do not find any ground whatsoever to interfere in the impugned order dated 11.04.2019, passed by the learned Appellate Authority, Bathinda.

Learned counsel for the petitioners is unable to point out any illegality or infirmity in the impugned judgment 11.04.2019 passed by the learned Appellate Authority, Bathinda, which calls for any interference in exercise of revisional jurisdiction by this Court.

No other argument has been raised.

Present petition is, accordingly, dismissed with no order as to costs.

26.09.2019
s.khan

[LISA GILL]
Judge

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