

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR NO.3901 OF 2019 (O&M)
DECIDED ON: 03.07.2019

MANJIT KAUR AND ANR.

...PETITIONERS..

VERSUS

UDAY KUMAR AND ANR.

...RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Vijay Pal, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this revision under Article 227 of the Constitution of India, the petitioners have laid challenge to impugned order dated 16.05.2019 (P-5) of the appellate court, whereby, they have been directed to deposit mesne profit @ ₹20,000/- per month during the pendency of appeal filed by them against eviction order dated 20.02.2018.

Vide order dated 20.02.2018, passed by Rent Controller, Chandigarh, petitioners were ordered to be evicted from the demised premises.

Being dissatisfied, petitioners approached the appellate court, who, while staying the operation of judgment dated 20.02.2018 has allowed the application filed by respondent No.1 and ordered the petitioners to deposit mesne profit @ ₹20,000/- per month, vide order

dated 16.05.2019.

Learned counsel contends that during the pendency of eviction petition against them, petitioner No.2, who is husband of petitioner No.1-tenant over the demised premises, purchased 50% share of the whole property including demised premises. Therefore, while passing the impugned order, appellate court has failed to appreciate that the appellants were thus not liable to deposit any mesne profit. That apart in the near vicinity prevalent rate is ₹1000/- per month. Therefore, mesne profit fixed by the appellate court is on higher side.

Having gone through the judgment of first appellate court, it transpires that the demised premises was taken on lease by State Bank of India, in which, petitioner No.1 was an employee. The rent kept on increasing and reached to ₹10,000/- per month.

The rent of the demised premises may be around ₹1.00 lac, but not considering the same, the appellate court only restricted the rent @ ₹20,000/- per month, which is not on higher side, considering the fact that respondent No.1 is only owner to the extent of 50%.

Having gone through the impugned order and considering the over all facts and circumstances, this Court is not inclined to differ with the findings of the appellate court.

Dismissed.

03.07.2019

sonika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No