

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-5577-2019

Date of decision: 26.09.2019

Piara Lal

..... Petitioner

Versus

Mohan Parkash Walia

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Rishabh Gupta, Advocate for the petitioner.

RAMENDRA JAIN, (ORAL)

Through this revision, petitioner-tenant has laid challenge to order dated 18.07.2019 (Annexure P-6) of Appellate Authority, Hoshiarpur, directing him to deposit *mesne profits* @ ₹4000/- per month, besides arrears of rent amounting to ₹56,000/-.

Learned counsel for the petitioner, while drawing attention of this Court towards site plan (Annexure P-7) urged that the Appellate Authority, fixed *mesne profits* towards use and occupation charges for all the three shops of respondent-landlord under the tenancy of different tenants including the petitioner @ ₹ 4000/- per month, without appreciating the fact that area of shop under the tenancy of petitioner is lesser than the other two shops. In case, *mesne profits* is fixed on the basis of individual area of each shop, in that eventuality, the same would definitely be reduced. The Appellate Authority, also failed to appreciate that shop of petitioner is situated inside the street, whereas shop under the tenancy of Rishi Khullar and Surinder Kumar, having bigger areas are on the main road.

learned counsel for the petitioner, this Court finds the instant revision merits dismissal for the reasons to follow:

All the three shops of respondent-landlord are adjacent to each other, in the same locality. The area of shop of petitioner though, is lesser than the shops under the tenancy of Rishi Khullar and Surinder Kumar, but the same cannot be considered as a ground to reduce *mesne profits* which is always fixed by considering various attending circumstances i.e. location, prevalent rent in the near vicinity, potentiality and nature of business etc.

I have carefully gone through the impugned order and find no illegality or perversity in the same.

Dismissed.

Petitioner is directed to deposit the amount of ₹56,000/- towards arrears of rent along with up-to-date *mesne profits*, within two weeks from today.

September 26, 2019

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No