

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CR No.7169 of 2019 (O&M)

Date of Decision: November 14, 2019

Joginder Pal Oberoi and another

...Petitioners

Versus

Organic Cattel Feed

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Divanshu Jain, Advocate
for the petitioner.

Mr. Gaurav Grover, Advocate
for the caveator-respondent.

JAISHREE THAKUR, J. (Oral)

This is a civil revision that has been filed under Article 227 of the Constitution of India read with Section 15(5) of the East Punjab Urban Rent Restriction Act for setting aside the order dated 05.09.2019 whereby, the Appellate Authority has assessed the mesne profits @ ₹ 15,000/- per month, which according to the petitioner is on the lower side.

Counsel for the petitioner would contend that the mesne profits ought to have been assessed as ₹ 30,000/- per month, which is the current market rent of the other similarly situated properties. It is also argued that the rent deed has been executed between the parties as far back as 27.06.2011 whereby, the monthly rate of rent had been fixed at ₹ 11,000/- per month and even if that is taken as a base, the Appellate Authority has

erred in assessing the mesne profits as ₹ 15,000/- per month. It is further submitted that the lease deed that has been annexed along with the instant civil revision would reflect that the current market rent is more than ₹ 24,000/- per month.

Notice of motion.

At this stage, counsel for the caveator-respondent accepts notice and submits that the mesne profits that has been assessed by the Appellate Authority is in accordance with the market rent and, therefore, there is no need for any interference by this court. It is also argued that the appeal is listed for hearing on 18.12.2019 before the Appellate Authority and matter will be concluded on the said date.

I have heard counsel for the parties and in view of the fact that the appeal itself is listed for hearing on 18.12.2019 before the Appellate Authority, this court does not find any ground to go into the merits of the case to enhance the mesne profits that has been assessed. The civil revision is disposed of accordingly with a direction that the Appellate Authority would make an endeavour to decide the appeal itself preferably within a period of two months from today.

November 14, 2019

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No