

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-8833-2017 (O&M)
Date of Decision: 04.02.2020

M/s Bhatia Trading Company

.... Petitioner

Versus

Rakesh Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.P.S.Sandhu, Advocate
for the petitioner.

Mr. Divanshu Jain, Advocate
for the respondent.

...

ANIL KSHETARPAL, J. (ORAL)

The tenant-petitioner has filed the present Revision Petition against the order dated 16.11.2017 passed by learned Appellate Authority assessing mesne profit for use and occupation of the shop at Rs.5000/- per month. The tenant was ordered to be evicted by the Rent Controller. During the pendency of the appeal, tenant filed an application for stay, whereas landlord filed an application for assessing mesne profit.

Learned Appellate Authority while granting stay of eviction, during the pendency of the appeal, assessed the mesne profit @ Rs.5000/- per month keeping in view of the documents produced on file, based upon the market rate of rent for similar premises.

Learned counsel for the petitioner has drawn attention of the Court to the following rent notes:-

“a) Rent Note dated 2.8.2017 pertaining to shop

No.99, situated on First Floor in New Cloth

Market, Bazar Tahli Sahib whereby the shop has been rented out for Rs.500/- per month. This shop was let out in April 2017.

b) Rent Note dated 9.7.2012 whereby shop No.98, on first floor situated in New Cloth Market, Bazar Tahli Sahib was given on a rent of Rs.400/- per month.

c) Rent Note dated 2.7.2009, whereby shop No. 23, situated on Second Floor in New Cloth Market, Bazar Tahli Sahib was let out for rent of Rs.350/- per month.

d) Rent Note dated 29.4.2011, whereby shops No. 79, 80, 99 and 100 situated at Second Floor in New Cloth Market, Bazar Tahli Sahib were given at a rent of Rs.800/- per month.

e) Rent Note dated 15.10.2007 whereby shop No.145 situated at Ground Floor in New Cloth Market, Bazar Tahli Sahib was given at a rent of Rs.450 per month.

f) Rent Note dated 29.10.2004 whereby shop No.145, 145A, 146 to 147 situated on Second Floor in New Cloth Market, Bazar Tahli Sahib were given on rent for sum of Rs.1200/- per month.”

This Court has considered the submissions. Rent Note dated

dispute is situated on the ground floor. The assessment by the appellate authority was being made by order dated 16.11.2017. Further the Court has examined the documents produced by the landlord to arrive at a conclusion. The landlord has produced a licence deed dated 02.08.2017 with regard to licence fee of a similar shop payable @ Rs.18,000/- per month. Another rent deed has been produced while leasing out a bigger shop at Rs.43,000/- per month in the same locality.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

(ANIL KSHETARPAL)
Judge

04.02.2020
Pardeep

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