

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-1989-2020

Date of decision: 10.07.2020

Tarawanti (since deceased) through her LRs

..... Petitioner

Versus

Smt. Nawal Kishori Vats (since deceased) through her LRs and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. CB Goel, Advocate for the petitioner(s).

RAMENDRA JAIN, J. (ORAL)

Case has been taken up for hearing through video conferencing due to pandemic Covid-19.

Through this revision under Article 227 of the Constitution of India, petitioner(s)-tenant has laid challenge to order dated 06.03.2020 of the Appellate Authority, Ambala, directing them to pay *mesne profits* @ ₹25,000/- per month.

Learned counsel for the petitioner(s) *inter alia* contends that order dated 12.12.2017 of this Court in CM-7871-CII-2017 in CR-8551-2014, Inder Pal Batra Vs. Arun Bansal, relied upon by Appellate Authority, while passing the impugned order was modified by Apex Court and *mesne profits* reduced from ₹20,000/- to ₹10,000/- per month.

Further relying upon an order of this Court dated 18.08.2017 in

CM-26599-CII-2015 in CR-8293-2015, Avtar Singh Vs. Kuldip Singh and others, wherein the landlord had demanded the *mesne profits* @ ₹3,21,871/- against rent @ ₹4100/- per month, learned counsel contends that this Court had fixed the same @ ₹84,100/- per month. In the instant case, since the area of demised shop is 48 sq. feet more than the area of shop in Inder Pal Batra's case (supra), therefore, at the most, the same could not be assessed more than ₹15,000/- per month.

Since, the area of demised shop is 48 Sq. feet more than the area of shop in Inder Pal Batra's case (supra), this Court finds that it would be appropriate, if, petitioner(s)-tenants are directed to pay *mesne profits* @ 20,000/- per month instead of ₹25,000/- which shall be deposited by them from the date of accrual, within three weeks from toady, failing which their appeal shall positively be dismissed for want of prosecution by the Appellate Authority.

The instant revision, stands disposed of, accordingly.

July 10, 2020

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No