

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

124

Civil Revision No.857 of 2020 (O&M)
Date of decision : 06.02.2020.

Prithvi Raj Mittal

... Petitioner

Versus

Kusum Garg

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Yowan Sharma, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

CM No.2994-CII of 2020

There is delay of 21 days in filing the petition.

Heard. For the reasons stated in the application, the same is allowed and delay of 21 days in preferring the revision petition is condoned.

CM No.2993-CII of 2020

There is delay of 235 days in refiling the petition.

Heard. For the reasons stated in the application, the same is allowed and delay of 235 days in refiling the revision petition is condoned.

CR No.857 of 2020

The petitioner/tenant has challenged the order of the Appellate authority dated 22.01.2019 whereby the appeal preferred by the petitioner has been dismissed and he has been directed to hand over the vacant possession of the premises and to deposit the mesne profits @ ₹10,000/- per month from 28.10.2016 till 09.01.2019 along with interest @ 6% p.a.

Learned counsel for the petitioner/tenant contends that the petitioner has vacated the premises and therefore, the challenge of the

impugned order in this petition is confined to the quantum of mesne profits which deserve to be reduced. The premises were 60 years old, used as a godown and therefore, the mesne profits @ ₹10,000/- per month are highly excessive.

Heard.

The premises which the petitioner was occupying, comprise an area of 1862 square feet, bearing property No.512, Ahata Jain, Kurari Mohalla, Kalka. The respondent-landlord had placed on record a copy of the rent agreement dated 17.09.2015 whereby shop No.510/5 situated at Kurari Mohalla, Kalka had been rented out at ₹3000/- per month which was having an area of 72.25 square feet and therefore, as per the calculation, the rent per square feet was ₹41.52/-. The demised premises in the instant case have an area of 1862 square feet and if the rent was calculated at ₹41.52 square feet, it would come to ₹77,314/- per month. Neither any evidence nor any rent agreement had been produced by the petitioner/tenant before the Appellate Authority to assess the mesne profits.

In view of the aforementioned facts and circumstances, the assessment of the mesne profits @ ₹10,000/- per month cannot, in any manner, be held to be excessive or unjustified, warranting interference while exercising revisional jurisdiction.

The petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

February 06, 2020

sonia gugnani

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No