

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

CR No. 8343 of 2019

Date of decision: 16.01.2020.

Purshotam Dass

..... Petitioner.

Versus

Anshu Sharma

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Ajay Kumar Kansal, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 11.07.2019 whereby mesne profits have been assessed at the rate of ₹12,000/- per month.

Learned counsel for the petitioner contends that the impugned order has been passed without application of mind and no reasons have been assigned as to how the figure of ₹12,000/- has been arrived at. He has relied upon the judgment of this Court in the case of Angoori Devi and others v. Satya Bhama, Civil Revision No. 6248 of 2011.

Heard.

There is no denying the proposition of law laid down in the judgment in Angoori Devi's case (supra) that there has to be a valid basis for determining the mesne profits and the guidelines have been laid down therein. In the instant case, it had been pleaded by the respondent that the premises are situated on thickly populated commercial area of Saree Market/Bank Road, Jind; the market value of the rent is over ₹50,000/- per month; one shop situated towards eastern side at a distance of about 300 feet from the shop in dispute was on rent at the rate of ₹20,000/- per month with Ramesh Kumar

son of Shri Tek Chand as per rent deed dated 21.01.2019, a copy of which had been attached. It was also mentioned that another shop situated across the road in front of Punjab National Bank is on lease @ ₹14,000/- per month, a copy thereof had also been attached. The petitioner is stated to be in possession of two shops which were converted into one by removing the intervening wall. The petitioner had taken the shop in dispute on rent in the year 1997 at the rate of ₹3,000/- per month which was later increased to ₹5,200/- per month. The eviction of the petitioner had been ordered on 21.02.2019. The assessment of the mesne profits at the rate of ₹12,000/- per month appears to be reasonable which does not call for any interference by this Court while exercising the revisional jurisdiction.

Consequently, the revision petition stands dismissed.

At this stage, learned counsel for the petitioner contends that in terms of the judgment in Angoori Devi's case (supra), the Executing Court is enjoined to pass necessary orders so that the amount can be recovered in the event of the case being finally decided in favour of the petitioner. The petitioner shall be preferring an application in this regard before the Appellate Authority.

In the event of the petitioner making such an application, the same shall be considered and decided in accordance with law.

(ANUPINDER SINGH GREWAL)
JUDGE

16.01.2020
Ramesh

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