IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

112 /2 **CR-6356-2019**

DATE OF DECISION: 22.01.2020

VIJAY KUMAR GUPTA **… Petitioner(s)**

Versus

RAKESH CHOPRA **... Respondent(s)**

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Ramnish Puri, Advocate for the petitioner(s).

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 20.08.2019 whereby *mesne* profits have been determined at the rate of Rs.5,000/- per month.

Learned counsel for the petitioner contends that *mesne* profits have been worked out without any basis and the shop, which has been occupied by the petitioner, measures only 24 square feet. Learned counsel for the petitioner has relied upon the judgment of the coordinate Bench of this Court in the case of Vijay Kumar Rajput Vs. Surmukh Singh rendered in Civil Revision No.180 of 2019 decided on 21.05.2019, wherein the *mesne* profits were assessed at the rate of Rs.3500/- per month.

Heard.

The petition preferred by the respondent landlord for eviction of the petitioner tenant on the ground of personal necessity, had been allowed by the order dated 31.08.2018. The petitioner thereafter had preferred an appeal before the appellate authority which is pending

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adjudication.

It is apparent from the material on record that demised premises was taken on rent by the petitioner in the year 1987 at the rate of Rs.500/- per month. The respondent landlord had claimed *mesne* profits at the rate of 50,000/- per month and had relied upon an agreement dated 29.09.2018 of a property situated in the area of Katra Ghanehya, Chamre Wala Bazar, Amritsar, wherein a shop was rented out for a sum of Rs.22,000/- per month. No document has been placed on record by the petitioner who had pleaded that the rent of the property in the area is Rs.3,000/- per month. The petitioner is stated to be running the business of sale of wool and woolen garments in the shop in question. The shop is situated in Katra Sher Singh, Amritsar which is a commercial area in Amritsar. The judgment relied upon by the learned counsel for the petitioner in the case of Vijay Kumar Rajput Vs. Surmukh Singh (supra) wherein the *mesne* profits was assessed at the rate of Rs.3,500/- per month, is distinguishable from the facts of the instant case as it is not discernible as to in which locality the premises were situated. In that case, the premises had been rented out at the initial rent of Rs.200/- per month which had been enhanced to Rs.12,000/- per month by the appellate authority and this court, while setting aside the order of the appellate authority, had assessed rent at the rate of Rs.3,500/- per month.

In the aforenoted facts and circumstances, the assessment of Rs.5,000/- per month *mesne* profits in the instant case cannot be said

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to be unjustified or excessive which would warrant interference while exercising revisional jurisdiction.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

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

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