
HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.916 of 2021
Date of decision:16.07.2021

Sachin @ Prabhjot Singh Arora

...Petitioner

Versus

Rajinder Singh

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Dinesh Nagar, Advocate,
for the petitioner.

Mr. Kartik Gupta, Advocate,
for the respondent-caveator.

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The present revision petition has been filed by the tenant against the order dated 17.02.2021 (Annexure P-4) passed by the Appellate Authority under the East Punjab Urban Rent Restriction Act, 1949, whereby mesne profits @ ₹10,000/- per month has been fixed for the property in dispute. The eviction order was passed by the Rent Controller on 12.12.2019 of a shop situated in the Vijay Market of Dasuya town. It has been mentioned in the impugned order that initially, the shop in question was let out on a monthly rent of ₹2,500/- on 20.03.2003 and the last rent paid was @ ₹3,800/- per month as there was increase of ₹100/- per year.

The landlord claimed the prevailing market rent to be ₹18,000/- to ₹20,000/- per month, whereas the petitioner-tenant took the plea that it is only ₹6,000/- to ₹7,000/- per month. Keeping in view the three rent notes,

whereby the rent was fixed @ ₹11,500/-, ₹12,000/- and ₹10,000/-, which are stated to be of the adjoining shops, the amount of mesne profits was fixed @ ₹10,000/- per month and execution of the eviction order was stayed subject to the payment of arrears of rent as per the agreement and payment of mesne profits upto date, which were to be deposited within one month from 17.02.2021. Further directions were issued to pay the mesne profits by 10th of every following month.

Counsel for the petitioner submits that the rent deeds in question were not registered and, therefore, would not liable to be taken into consideration.

Counsel for the respondent-caveator, on the other hand, points out that the amount of mesne profits has already been deposited upto July, 2021 by the petitioner-tenant. Therefore, he submits that the direction be issued for disposal of the main appeal, as such, and in that situation the respondent-landlord shall not claim the mesne profits at that rate till the decision of the appeal and will not seek execution on the ground of non-payment thereof.

Keeping in view the fact that the amount of mesne profits and arrears of rent have already been deposited, this Court does not feel it to be a fit case for interference in the impugned order under Article 227 of the Constitution of India.

Resultantly, the present revision petition is disposed of with a direction to the Appellate Authority to dispose of the appeal itself by 30.10.2021. Counsel for the parties before the Appellate Authority shall not take shelter that the appeal cannot be heard on merits by way of physical

hearing in view of the improved Covid-19 situation. The tenant will, however, keep on depositing the rent @ ₹3,800/- per month with the Rent Controller by 7th of every calendar month till the decision of the appeal by the Appellate Authority. The parties shall be bound by the final decision in appeal regarding the amount already deposited.

The revision petition stands disposed of with above-said directions.

July 16, 2021
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(G.S.Sandhawalia)
Judge

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No