

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

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**Civil Revision No.2496-2021
Date of decision:01.11.2021.**

SUDARSHAN ANGRISH

...Petitioner

Versus

HARJIWANPAL SINGH GILL

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. S.C.Arora, Advocate,
for the petitioner.**

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The tenant has filed this revision petition assailing the correctness of an order passed by the Appellate Authority, directing the petitioner-tenant to pay mesne profit @ Rs.5000/- per month for a shop located in Doraha, District Ludhiana. It is not in dispute that the tenant has been ordered to be evicted by the learned Rent Controller vide an order dated 04.03.2020. The Appellate Authority while granting interim protection from eviction has directed the petitioner to pay the mesne profit @ Rs.5000/-.

The learned counsel representing the petitioner contends that due to the lockdown, the petitioner could not open the shop and therefore, the petitioner could not be directed to pay the amount of mesne profit.

Once the petitioner has been ordered to be evicted, the Appellate Authority has the power to determine the mesne profit. This issue has been settled by the Hon'ble Supreme Court in more than one of its judgments. Once the petitioner continues to be in possession, he is required to compensate the Landlord. The petitioner cannot be permitted to avoid payment of mesne profit only on the ground that there was lockdown due to outbreak of Covid-19.

Hence, no ground to interfere in the order passed by the Appellate Authority, is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

November 01, 2021
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(ANIL KSHETARPAL)
JUDGE

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