

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

107

CR No.1988 of 2015 (O&M)

Date of decision: 28.09.2022

Ranjna Mahajan and another

..Petitioners

Versus

Chhavi Ahluwalia and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Nitish Garg, Advocate, for the petitioners.

Mr. Sumeet Mahajan, Sr. Advocate, with
Mr. Mandeep Singh, Advocate and
Ms. Rabani Attri, Advocate
for the respondents/landlords.

ANIL KSHETARPAL, J(Oral)

The petitioners herein were the tenants in the ground and first floor of SCF No.20, Sector 11-D, Chandigarh. They have surrendered the possession of the building pursuant to an order of ejectment passed by the Rent Controller, which has been affirmed not only by the Appellate Authority but also by the High Court as well as by the Supreme Court.

Now the only question that remains for adjudication is with regard to correctness of the assessment of the amount of mesne profit payable during the pendency of the first appeal as per order of the Appellate Authority. The Appellate Authority has assessed the mesne profit @ Rs.1,75,000/- per month for use and occupation of the tenanted premises on the basis of a registered lease deed executed in the year 2013 with respect to SCO No.11, Sector 11-D, Chandigarh, leasing out basement, ground floor, first floor and second floor @ Rs.9,00,000/- per month.

This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

The learned counsel representing the petitioners submits that the lease deed showing rent of Rs.9,00,000/- per month is with respect to the four floors of shop-cum-office, whereas the tenanted premises in the present case is Shop-cum-flat. He submits that the area leased out from SCO No.11, Sector 11-D, Chandigarh, must be twice as compared to the tenanted premises.

Both the premises are located in the same market. The ground floor of the premises fetches more rent than the other floors. Even if it is considered that the area in possession of the petitioners is 1/2 when compared to the tenanted premises of SCO No.11, Sector 11-D, Chandigarh, still the Appellate Authority has only assessed Rs.1,75,000/- which comes to less than 30%.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Dismissed.

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

September 28, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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