

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 6135 of 2018 (O&M)

Date of Decision: 29.10.2022

Gurpreet Singh

... Petitioner(s)

Versus

Satish Kumar and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Pradeek Sodhi, Advocate
for the petitioner(s).

Mr. Umesh Aggarwal, Advocate
for the respondent No.2 and 3.

Anil Kshetarpal, J.

1. After the Rent Controller has passed an order of eviction against the petitioner, the Appellate Authority has directed him to pay the *mesne profits* @ ₹ 4,000/- per month for use and occupation of a shop located in Katra Baghian, Amritsar. Challenging its correctness, the present revision petition has been filed.

2. The petitioner's appeal is pending before the Appellate Authority. The amount of *mesne profits* has been determined on the basis of lease deed of ₹ 7,500/- per month in the same market.

3. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

4. The learned counsel representing the petitioner submits that the Appellate Authority has passed the order on the basis of conjectures and the shop in question is only of the size of 8'x7' (56 square feet).

5. The landlord has claimed *mesne profits* @ ₹ 10,000/- per month. In order to prove that fact, he produced a rent note dated 13.11.1998 to show in the same market, a shop has been given on rent @ ₹ 7,500/- per month. The Appellate Authority, keeping in view the size of the shop, has assessed ₹4,000/- per month as *mesne profits*. Thus, this is only an interim measure during the pendency of the appeal.

6. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed.

7. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

October 29, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No