

126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1123-2022
Decided on : 29.03.2022

Krishan Lal

..... Petitioner

Versus

Saroj Kumra

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.S.Madaan, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

The petitioner is impugning the order dated 24.01.2022 (Annexure P-10) passed by the Appellate Court, Jalandhar whereby Rs.15,000/- per month was assessed to be paid by him as mesne profit in respect of the demised premises.

Learned counsel for the petitioner submits that mesne profit, which has been assessed in the sum of Rs.15,000/- per month by the Appellate Authority is exorbitant and thus, requires to be scaled down. He further submits that even though it was brought to the notice of the Appellate Authority that the rate of rent in all the neighbouring shops in the vicinity of the demised shop was Rs.970/- per month, however, it gravely erred by ignoring the said fact while passing the impugned order and had instead gone ahead by assessing the mesne profit at almost hundred times the rent being paid by the tenants of the adjoining shops.

Heard learned counsel and perused the impugned order.

A perusal of the impugned order reveals that except for their oral averments with respect to the rent being charged by the landlords of the

neighbouring shops, neither the petitioner-tenant nor the landlord had placed on record any lease deed or rent deed of the adjoining shops, which stood rented out. Admittedly, the demised shop is located in a commercial hub and in a busy market of Jalandhar. In the circumstances, the Appellate Authority rightly on the basis of the location and size of the demised shop assessed the mesne profit in the sum of Rs.15,000/- per month.

Hence, no ground is made out to set aside the impugned order passed by the Appellate Court. Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

29.03.2022

sonia

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No