

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR No.3145 of 2022

Date of Decision : 08.08.2022

M/s Ram Dass & Sons & Anr.

....Petitioners

VERSUS

Arun Kumar Seth & Anr.

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. R.D. Sharma, Advocate for the petitioners.

ALKA SARIN, J. (Oral)

The present revision petition under Article 227 of the Constitution of India has been preferred challenging the order dated 15.10.2019 passed by the Appellate Authority fixing the mesne profits @ Rs.10,000/- per month.

A query was posed to learned counsel for the petitioners as to why the order dated 15.10.2019 is now being challenged in the present petition after a lapse of a period of almost 3 years. There is no cogent reason forthcoming for the delay in challenging the order dated 15.10.2019. It further transpires that till date not a single penny has been paid towards mesne profits as assessed by the Appellate Authority vide order dated 15.10.2019.

Learned counsel for the petitioners would contend that there is no basis for fixing the mesne profits @ Rs.10,000/- per month.

I have heard learned counsel for the petitioners.

In the present case, the order dated 15.10.2019 is being sought to be challenged by filing the present revision petition on 26.07.2022. No cogent reason is forthcoming for the delay in challenging the said order as

well as for not depositing a single penny on account of mesne profits till date. The petitioner has been enjoying the stay granted by the Appellate Authority on 15.10.2019 without having paid a penny towards the mesne profits/compensation for use and occupation of the building. The property in the present case is a commercial property located at Dalhousie Road near Mohan Market, Pathankot. It is averred in the application filed for mesne profits that the similarly situated shops were fetching rent @ Rs.56000/- per month. Both the parties were directed to file their affidavits. The Appellate Authority after considering the material on the record assessed mesne profits @ Rs.10,000/- per month. Learned counsel for the petitioners has appended with the petition a voucher (Annexure P-6) to contend that the rate of rent of similarly situated shop is Rs.7434/- for a period of three months. The said document was admittedly not produced before the Appellate Authority. The Appellate Authority, on the basis of the documents on the record, has assessed the mesne profits which do not appear to be excessive in any manner.

In view of the above, the present revision petition, being devoid of merits, is dismissed. Pending applications, if any, also stand disposed off.

08.08.2022
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO