

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

Civil Revision No.5254 of 2019 (O&M)
DATE OF DECISION : 14.10.2022

Gurnam Singh

.....Petitioner

versus

Pritpal Singh

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Rishma Verma, Advocate for the petitioner

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ALKA SARIN, J. (Oral):

The present revision petition has been filed under Article 227 of the Constitution of India for enhancement of *mesne* profits assessed by the Appellate Authority vide order dated 14.05.2019 at Rs.10,000/- per month.

The learned counsel for the petitioner would contend that the rental in the area, which is commercial in nature, is about Rs.25,000/- per month and the *mesne* profits assessed at the rate of Rs.10,000/- per month is very meagre. In support of her argument, she relies upon Annexure P-4, which is a site plan, and an Inspection Report, Annexure P-5, which states that the rental of the shop in dispute would be Rs.18,975/- per month.

Heard.

In the present case, no lease deed has been relied upon by the landlord in furtherance to his claim that the rental in the adjoining areas is Rs.25,000/- per month for similarly situated shops. The Appellate Authority had assessed the *mesne* profit at Rs.10,000/- per month. Learned counsel is not in a position to show any document even today which would show that the rental of the adjoining shops was Rs.25,000/- per month, as claimed. The only reliance is on the site plan which cannot be looked at for the assessment of *mesne* profits. The reliance placed by the learned counsel on the Inspection Report on the basis of which it has been stated that rental of the demised premises would be Rs.18,975/- per month is also neither here nor there since the Inspection Report was got prepared by the petitioner himself and even the said Inspection Report does not refer to any lease deed.

In view of the fact that there is not even a single document on the record to show that the rental of similarly situated shops as the demised premises is Rs.25,000/- per month, I do not find any merit in the present petition which is accordingly dismissed. Pending applications, if any, also stand disposed off.

14.10.2022

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(ALKA SARIN)
JUDGE

NOTE:

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