

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

CR-3036-2022

Date of decision : 02.08.2022

Ram Lakhan

...Petitioner

Vs.

Chetan Vaid

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Maninder Singh Bajwa, Advocate
for the petitioner.

MANOJ BAJAJ, J.

Petitioner (tenant) has filed this revision petition to challenge the order dated 01.07.2022 passed by Additional District Judge, Amritsar whereby petitioner was directed to deposit the mesne profits @ Rs.7000/- per month from the date of eviction order dated 18.02.2020, within a period of one month.

Learned counsel for the petitioner (tenant) has argued that though Rent Controller has ordered petitioner's eviction vide judgment dated 18.02.2020 (Annexure P-1) and against the said decision, his appeal before the appellate authority is pending, wherein, the application filed by respondent (landlord) seeking mesne profits has been allowed by assessing the same @ Rs.7,000/- from the date of the eviction order. Learned counsel has argued that the said assessment is based upon a license deed in favour of Balpreet Singh son of Jagpal Singh to draw the conclusion that the similar shops are being rented out @ Rs.6,000/- to Rs.9,000/- per month and the said document is not registered, therefore, the same was not admissible in evidence. He submits that the mesne profits assessed are at higher side, therefore, the impugned order is not sustainable. He prays for setting aside the order.

After hearing learned counsel and considering the arguments, this Court finds that the property in question was taken on rent by petitioner w.e.f. 03.07.1985 from Hemraj (Grand-father of respondent) and subsequently, title of the property devolved upon the respondent. The initial rate of rent was Rs.300 per month, which was increased to Rs.550/- per month from March 2017, therefore, considering the nature and its usage, this Court finds that the mesne profits have been correctly assessed by the appellate authority. The argument that the licence deed relied upon by the appellate authority is not admissible in evidence is without any merit as the nature of this document does not require compulsory registration.

A perusal of the impugned order shows that the appellate authority has carefully examined the facts and other attending circumstances while assessing the mesne profits, therefore, the said order does not suffer from illegality or impropriety.

Resultantly, petition fails and is dismissed.

(MANOJ BAJAJ)
JUDGE

02.08.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No