

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

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CR-5127-2022 (O&M)
Date of decision: 14.11.2022

Jagmohan Kumar alias Sonu

.....Petitioner

Versus

Manpreet Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurcharan Dass, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner-tenant is impugning the order dated 14.09.2022 vide which the Appellate Authority, Ludhiana assessed the mesne profits of the tenanted premises at the rate of Rs.4,000/- per month from the date of order of the eviction dated 02.03.2020 passed by the Rent Controller.

Learned counsel for the petitioner submits that the impugned order suffers from patent illegality and has been passed by ignoring the relevant material on record.

Learned counsel submits that the respondent-landlord had not approached the Rent Controller with clean hands and had in fact obtained the eviction order by suppressing material facts. He further submits that in a suit filed by the petitioner-tenant against the Municipal Corporation, the Municipal Corporation had taken a categorical stand that the respondent was not the owner of the demised shop. However, the said fact had not been disclosed anywhere in the rent petition, thus, the eviction order was unsustainable in view of the transfer of ownership to Municipal Corporation, Ludhiana. Learned

counsel still further submits that the Appellate Authority erred in assessing the mesne profits at the rate of Rs.4,000/- per month which was exorbitant and thus deserved to be scaled down as the initial rate of rent qua the demises premises was only Rs.300/- per month.

I have heard learned counsel and perused the relevant material on record.

Admittedly, the appeal against the order of eviction dated 02.03.2020 passed by the Rent Controller is still pending adjudication before the Appellate Authority. Hence, this Court would refrain from delving into the merits of the appeal, moreso, when only the order dated 14.09.2022 vide which the mesne profits had been assessed by the Appellate Authority is under challenge in the instant petition.

The shop in question is situated on main Hambran Road, Ludhiana and is in close proximity to Rishi Nagar and Kitchlu Nagar, Ludhiana. Still further, the size of the tenanted shop is 10' x 16' and no document to show the prevalent rate of rent in the said locality has been placed on record by the parties before the Appellate Authority. In these circumstances, Rs.4,000/- per month which has been assessed as mesne profits by the Appellate Authority comes across as being reasonable because admittedly the location of the shop in question is in close proximity to Rishi Nagar and Kitchlu Nagar which are one of the prime localities of Ludhiana.

Accordingly, the instant revision petition being devoid of any merit is dismissed.

14.11.2022

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No