

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

114

2023:PHHC:141741

**CR-4249-2017 (O&M)
Date of decision: 07.11.2023**

MAYA DEVI AND ORS

..Petitioner

Versus

MOHINDER KUMAR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Nikhil K. Vashisht, Advocate
for the petitioners.

ANIL KSHETARPAL, J(Oral)

1. The petitioners herein are tenants. They were ordered to be evicted by the learned Rent Controller. In appeal, they filed an application for grant of stay. The Appellate Authority on the basis of the judgment passed in **M/s Atma Ram Properties Pvt. Ltd. Vs. M/s Federal Motors Pvt. Ltd., 2005(1) Civil Court Cases 545 (SC)**, held that the tenant is liable to be paid mesne profit, which is equivalent to the market rent during the pendency of the appeal. Thus, the Court assessed the amount of mesne profit at the rate of Rs.2,000/- per month. The Appellate Authority came to a conclusion on the basis of a rent note of a similar shop situated in the same area showing that the present market rent is Rs.3,000/-. The correctness of the aforesaid order has been challenged in this revision petition. The learned counsel representing the petitioner contends that the Appellate Authority has assessed the mesne profit at the rate of Rs.2,000/- per month without any basis. A perusal of the order shows that the learned Rent Controller produced on record a rent note of a similar shop situated in the same area.

2. Hence, the argument of the learned counsel representing the petitioner is factually incorrect.

3. Keeping in view the aforesaid facts, no ground to interfere is made out.

4. Dismissed accordingly.

5. All the pending miscellaneous applications, if any, are also disposed of.

November 07th, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*