

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

CR-846-2023

Date of decision:-7.2.2023

Rakesh Steels Through its Proprietor Sh.Rakesh Mittal and another

...Petitioners

Versus

Shri Parkash Nath Bhanot through legal heirs

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Sharan Sethi, Advocate
for the petitioners.

H.S. MADAAN, J.

1. Under challenge in this revision petition is order dated 12.12.2022 passed by the Appellate Authority, U.T. Chandigarh in Rent Appeal No.70 of 2019 titled 'Rakesh Steels Versus Parkash Nath' vide which the Appellate Authority has allowed the application of the respondent for mesne profits fixing those as Rs.30,000/- per month. The appellants/tenants are aggrieved by that order and have approached this Court by way of filing the present revision petition.

2. Briefly stated, facts of the case are that petitioner/landlord Parkash Nath Bhanot (since dead) now represented by his LRs had filed an ejectment petition against the respondents/tenants Rakesh Steels through its Proprietor Sh.Rakesh Mittal as well as Rakesh Mittal in his individual capacity. That ejectment petition was allowed by Rent

Controller vide order dated 9.5.2019.

3. Feeling aggrieved, the respondents/tenants had preferred an appeal before the Appellate Authority, U.T., Chandigarh, notice of which was given to LR of respondent/landlord, who had put in appearance through counsel. They had filed an application for issuance of a direction to appellants/tenants to pay mesne profits for use and occupation of premises w.e.f. 9.5.2019 when their ejectment was ordered by Rent Controller, Chandigarh @ Rs.35,000/- per month, during pendency of the appeal and till eviction of the premises.

4. Notice of that application was given to the appellants/tenants, who filed reply to it opposing the same vehemently.

5. That application was disposed of by the Appellate Authority, Chandigarh vide the impugned order leaving the appellants/tenants aggrieved and they have filed the present revision petition.

6. I have heard learned counsel for the revision petitioner besides going through the record and I find that the revision petition is absolutely without merit.

7. The Appellate Authority taking into view all the relevant facts and circumstances including the prevalent rate of rent for such like properties, in view of the settled legal position on the subject, had come to the conclusion that appellants are liable to pay mesne profits at market rental value from the date when their ejectment was ordered by the Rent Controller, Chandigarh. The mesne profits have been quantified at Rs.30,000/- per month, which in my view cannot be held to be excessive considering the fact that tenanted premises are in the form of industrial

shed having total area of 375 square feet situated in Industrial Area, Phase-I, Chandigarh, where commercial activity is being carried out by the appellants/tenants. The order has been passed by Appellate Authority so as to strike balance between the interest of two parties and furthermore the appellants/tenants have been asked to deposit the mesne profits in the form of fixed deposit carrying maximum rate of interest in some nationalized bank in favour of respondent/landlord observing that this amount along with interest would be paid after disposal of the appeal to either of the sides depending upon decision of the appeal.

8. The impugned order passed by the Appellate Authority, Chandigarh is quite detailed and well reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

9. Finding no merit in the revision petition, the same stands dismissed.

7.2.2023

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No