

CR-2437-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-2437-2023 (O&M)

Date of decision: April 25, 2023

Gurcharan Singh

....Revisionist

versus

Rajesh Kumar and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. R.S. Mamli, Advocate for the revisionist-tenant.

ARUN MONGA, J. (ORAL)**CM-7157-CII-2023**

For the reasons stated in application, same is allowed subject to all just exceptions.

Main case (O&M)

Petition herein is for setting aside impugned order dated 06.04.2023 passed by learned Appellate Authority, Yamuna Nagar at Jagadhri whereby, on an application filed by respondent-landlords for fixation of *mesne* profits during pendency of appeal, exorbitant and excessive *mesne* profits @ Rs.10,000/- per month, were fixed.

2. The revision petition is premised on the averments that respondents herein-landlords filed petition seeking ejectment of revisionist-tenant from shop in question and the same was allowed. Revisionist filed an appeal before learned Appellate Authority. During pendency of appeal, respondent-landlords filed an application for fixation of *mesne* profits. Vide impugned order dated 06.04.2023, *mesne* profits @ Rs.10,000/- per month have been fixed.

3. Given the nature of order being passed, there is no necessity to issue notice to respondents-landlords as no serious prejudice would be caused to them.

Notice to respondents is thus dispensed with.

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4. I have heard learned counsel for revisionist and perused the case file.

5. *Inter alia* contends that *mesne* profits have been determined eleven times higher than conceded rent which was being paid by revisionist-tenant prior to the ejectment order passed in favour of landlords accepting their plea for personal necessity.

5.1. Learned counsel further submits that conceded rent was Rs.900/- per month whereas *mesne* profits have been fixed as Rs.10,000/- per month by learned Appellate Authority without any evidence of the rent being so high in any of the surrounding shops. Further contends that revisionist will be rendered out of livelihood in case he is to pay such disproportionate *mesne* profits, since he is also a poor man earning day-to-day by running a taxi stand in the rented premises.

6. Keeping in view aforesaid submission, in order to meet the ends of justice, I am of the view that learned Appellate Authority may decide the pending appeal as expeditiously as possible without granting any unnecessary adjournments and during pendency of the appeal as an interim measure, petitioner shall pay rent/*mesne* profits at the rate of Rs.6,000/-, subject to payment of upto date *mesne* profits at the rate of Rs.6,000/- w.e.f. the ejectment order within a period of one month from today. On fulfillment of this condition, the operation of the ejectment order passed by learned Rent Controller shall remain stayed during pendency of appellate proceedings.

7. Disposed of, accordingly.

8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

April 25, 2023

mahavir

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No