

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

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2023:PHHC:106106

CR-4231-2023

Date of decision: 17.08.2023

M/S SUN TRADING AND ANR.

..Petitioner

Versus

TARSEM SINGH LALLY

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhilaksh Grover, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. The application filed by the petitioner (tenant) to modify the previous order passed by the Appellate Authority while assessing the amount of mesne profit for use and occupation of the premises, has been dismissed by the Appellate Authority. In an eviction petition filed by the landlord, the petitioners (tenants) were ordered to be evicted. Before the Appellate Authority, an application for assessing the mesne profit was filed, which was disposed of on 17.01.2022, while assessing the mesne profits at the rate of Rs.25,000/- per month. The Court took notice of the location of the property in dispute. The learned counsel representing the petitioners contend that the Appellate Authority with regard to the adjoining premises of the same landlord assessed the amount of mesne profit at the rate of Rs.5,000/- per month. Hence, the order is required to be modified.

2. This Court has considered the submissions.

3. The orders passed by the Appellate Authority while assessing the amount of mesne profit are interlocutory in nature and depend upon the material produced before the Court. In this case, the Appellate Authority appreciated the material, which was produced by the landlord to assess the

amount of mesne profit. In such circumstances, the Appellate Authority has not committed any error in refusing to modify the previous order.

4. Keeping in view the aforesaid facts, the revision petition is disposed of while requesting the Appellate Authority to decide the pending appeal expeditiously.

5. If the appellant deposits the amount of mesne profit as assessed by the Appellate Authority, its dispossession shall remain stayed during the pendency of the appeal.

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

August 17th, 2023

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(ANIL KSHETARPAL)
JUDGE

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