

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCR-5020 of 2023 (O&M)
Date of Order: 31.08.2023

Jagdish Chander (deceased) through his LRs

.Petitioner

Versus

Shri Digamber Jain Panchayat Mandir

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Jain, Advocate
for the petitioner.ANIL KSHETARPAL, JC.M.No.15700-CII-2023

1. For the reasons mentioned in the application, which is supported by an affidavit, the delay of 12 days in filing the revision petition is condoned.

2. CM stands disposed of.

MAIN

3. The petitioner herein is a tenant who was ordered to be evicted by the Rent Controller vide judgment dated 12.01.2018. He filed an appeal along with an application for grant of stay.

4. As per the judgment passed by the Supreme Court in M/s Atma Ram Properties (P) Ltd. vs. M/s Federal Motors Pvt. Ltd. , 2005 (1) RCR(Rent) 1, the trial court while granting the interim protection to the tenant is required to direct the tenant to pay the market rent. The Appellate Authority while granting the interim protection has assessed the amount of mesne profit for use and occupation of the premises @ Rs.6000/- per month

on the basis of a registered lease deed of a nearby shop which was originally let out @ Rs.5000/- per month but now the rent is Rs.7605/-.

5. The correctness of the aforesaid order has been challenged in this revision petition.

6. The learned counsel representing the petitioner contends that the respondent-landlord while filing the application has asserted that the adjoining shop has been let out for a rent of Rs.3100/- per month and the Appellate Authority has erred in relying upon the rent of adjoining shop wherein the ATM is being run by the Punjab National Bank.

7. This court has considered the submissions of the learned counsel representing the petitioner.

8. On a court question, the learned counsel representing the petitioner failed to draw the attention of the court to any material to show that the shop in possession of the petitioner is in any way at a disadvantage location when compared to the ATM booth. Both the shops are located in the same market. The current rent for the booth occupied by ATM is Rs.7605/-, whereas the Appellate Authority has permitted the petitioner to pay Rs.6000/- per month during the pendency of the appeal.

9. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

10. Dismissed.

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

August 31, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO