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IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CIVIL REVISION No.4392 of 2022 (O&M)

DATE OF DECISION : 20.03.2023

Shiv Kumar

.....Petitioner

versus

Ashok Kumar Thakur and Others

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Dinesh Nagar, Advocate for the petitioner

..

ALKA SARIN, J. (Oral):

The present revision petition has been filed challenging the order dated 05.09.2022 passed by the Appellate Authority (Rent), Hoshiarpur whereby Rs.15,000/- has been assessed as *mesne* profits for the use and occupation of the premises.

Learned counsel for the petitioner would contend that the rate of rent in the adjoining area and in the concerned market area is not more than Rs.8,000/- to Rs.10,000/- per month. It is further the contention that the lease deeds depicting the rate of rent as Rs.8,000/- to Rs.10,000/- in the vicinity were produced before the Appellate Authority which were not considered by the Appellate Authority.

Heard.

In the present case the order of eviction was passed by the Rent Controller, Hoshiarpur on 19.03.2019. Aggrieved by the eviction

order, the petitioner preferred an appeal. During the pendency of the appeal, an application for assessment of *mesne* profits was filed by the landlord-respondent. The Appellate Authority, relying on the copies of rent agreements dated 23.02.2012 and 21.04.2016, assessed the *mesne* profits at the rate of Rs.15,000/- per month. There is not a word in the impugned order regarding any lease deeds having been produced by the tenant-petitioner. To a pointed query by this Court as to whether the lease deeds, the learned counsel is relying upon and which purportedly depicted the prevailing rent at between Rs.8,000/- to Rs.10,000/- per month, had been appended with the petition, the learned counsel has candidly admitted that the said lease deeds have not been appended with the petition. Further, a perusal of the reply to the application for assessment of *mesne* profits also does not make any reference to any lease deeds depicting the prevailing rent at Rs.8,000/- to Rs.10,000/- per month.

In the absence of any documents to support the contention that the prevailing rent was between Rs.8,000/- to Rs.10,000/- per month, I do not find any illegality or infirmity in the order passed by the Appellate Authority. The present revision petition is devoid of any merits and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

20.03.2023
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(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO