

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

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**CR-4518-2022 (O&M)**

Date of decision : 16.01.2023

Avtar Singh

... Petitioner

Versus

Ranjodh Singh and others

.. Respondents

**CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present:- Mr. Parampreet Singh Brar (Jhakharwala), Advocate  
for the petitioner.

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**Anupinder Singh Grewal, J. (Oral)**

The petitioner/tenant has challenged the orders dated 09.08.2022 and 24.08.2022 (Annexures P-6 & P-7 respectively) whereby the mesne profits have been assessed @ Rs.10,000/- per month with effect from the date of eviction order dated 17.05.2022 (Annexure P-1).

Learned counsel for the petitioner submits that the mesne profits are highly excessive and have been assessed on the basis of two rent notes which do not appear to be genuine. He also submits that the rent in the locality is not more than Rs.2,500/-. In response to the information sought by the petitioner under the RTI Act, he had been informed that the rent actually deposited in terms of the aforementioned rent notes is Rs.1,000/- per month.

Heard.

The respondents/landlords have filed an application under Section 13 of the East Punjab Urban Rent Restriction Act for ejectment of the petitioner from the shop in question, which had been allowed by the Rent Controller on 17.05.2022 (Annexure P-1) on the ground of personal necessity.

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The petitioner is stated to have taken the shop situated in Tinkoni, Goniana Road, Bathinda on rent in the year 1987 at Rs.500/- per month. The Appellate Authority has relied upon two rent notes of similar shops in the same locality. These shops are also located in the market at Tinkoni, Goniana Road, Bathinda. The rent which is being fetched by these shops in the locality is Rs.15,000/- per month in the year 2019. The petitioner had not led any evidence before the Appellate authority with regard to the rent of any shop in the vicinity of the shop in question. He has now placed on record the communication from the Municipal Council, Bathinda dated 20.09.2022 (Annexure P-5), which has not been produced before the Appellate authority while passing the impugned orders and thus, I would not take this communication into account at this stage. Even otherwise, the rent which the demised premise fetched in the year 1987 was Rs.500/- and after the lapse of 35 years, the rents have indeed gone up several times. Therefore, I do not find any infirmity in the impugned orders assessing the mesne profits @ Rs.10,000/- per month.

Consequently, the petition along with miscellaneous application stands dismissed.

(ANUPINDER SINGH GREWAL)  
JUDGE

January 16, 2023  
sonia gugnani

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |