



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

132**CR-2383-2024 (O&M)****Date of Decision : 23.07.2024**

PUNEET BHARTI SHUKLA

.... Petitioner

VERSUS

RAVINDER KAUR DILER & ORS.

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sudhir Paruthi, Advocate for the petitioner.

Mr. H.K. Aurora, Advocate for respondent No.1.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed for modification of the order dated 04.03.2024 passed by the learned Appellate Authority, Jalandhar whereby *mesne* profit has been assessed @ ₹27,000 per month as well as challenging the order dated 22.03.2024 whereby the review application was dismissed.

2. Learned counsel for the petitioner would contend that there is not a single document on the record to show the prevailing market rent and the same was also noticed by the Appellate Authority in para No.7 of the impugned order.

3. Mr. H.K. Aurora, Advocate has put in appearance on behalf of respondent No.1. Learned counsel for respondent No.1 is not in a position, to deny the fact that there is nothing on the record before the Appellate Authority depicting the prevailing rate of rent. Learned counsel would, however, contend that certain orders were shown by respondent No.1 to the

Appellate Authority and after seeing and considering the same they were returned to respondent No.1.

5. Heard.

6. In view of the fact that from the impugned order it is apparent that respondent No.1 had not placed any material or documentary proof on the record in order to show the prevailing market rent, the impugned order dated 04.03.2024 is not sustainable in law. The same is accordingly set aside. The Appellate Authority shall decide the issue of *mesne* profits afresh in accordance with law and after considering the relevant documents which may be placed on the record by both the parties.

7. Revision petition stands disposed off accordingly. Pending applications, if any, also stand disposed off.

23.07.2024
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No