

...Petitioners

...Respondents

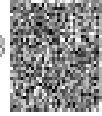
Mr. A.K. Makleri, Advocate
for the respondents.

1. Yesterday after hearing the learned counsel representing the parties, the following order was passed:-

“The only surviving dispute in this revision petition is about the correctness of the amount of mesne profits for use and occupation of basement of ground floor of SCF-52, Phase 10, Mohali. The petitioners before this Court are the tenants. They were ordered to be evicted by the Rent Controller on 21.01.2022, which has now been affirmed in appeal by the Appellate Authority on 16.06.2024. During the pendency of the first appeal, the Appellate Authority assessed the amount of mesne profits @ Rs. 1 lakh per month in addition to contractual rent.

On 14.07.2022, the following order was passed:-

Learned counsel for the petitioners would contend that the Appellate Court has directed the petitioners herein to pay an amount of Rs.1,00,000/- per month as mesne profits over and above the rate of rent the total of which comes to Rs.1,28,000/- per month. Learned counsel for the petitioners would



further contend that lease deed of SCF No.54, which is adjoining to the premises in dispute, produced by the tenant-petitioners showed that the rent amount was Rs.66,150/- per month. However, lease deed of SCF No.53 as produced by the landlord-respondents showed the rental amount to be Rs.1,00,000/- per month.

Notice of motion returnable 23.08.2022.

Process dasti as well.

Meanwhile, the petitioners shall deposit mesne profits @ Rs.80,000/- per month along with arrears, if any, before the next date of hearing before this Court.

The petitioner has continued to pay Rs. 80,000/- per month during the pendency of the appeal alongwith contractual rent @ Rs. 28,620/-.

Learned counsel representing the respondent disputes that fact.

List, in the urgent list, on 07.05.2024, for final disposal.

The petitioner is directed to produce the receipts.”

2. Learned counsel representing the petitioner has produced the receipts showing deposit of Rs.1,08,620/- from 25.07.2022.

3. This Court has also examined the impugned order passed by the Appellate Authority. The Court after assessing the amount of mesne profits @ Rs. 1,00,000/- per month has also directed the petitioner to pay the amount of contractual rent i.e. Rs. 28,620/- in addition to Rs.1,00,000/-. There is no basis of such directions. The Court relied upon the lease deed of the adjoining showroom to assess the amount of mesne profits for use and occupation of the premises @ Rs.1,00,000/-. In such circumstances, there was no occasion for the Court to direct the petitioner to pay @ Rs. 1,28,620/-.

4. Keeping in view the aforesaid facts, the order passed by the Appellate Authority dated 31.05.2022, is modified. The petitioner has already

been paid Rs.1,08,620/-. The respondent shall not be entitled to recover any further amount with respect to mesne profits during the pendency of the appeal before the Appellate Authority, which was dismissed on 16.01.2024.

5. The Registrar General of this Court is requested to remit the amount forthwith deposited by the petitioner to the Executing Court.
6. The revision petition is disposed of.
7. All the pending miscellaneous applications, if any, are also disposed of.

07.05.2024
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(ANIL KSHETARPAL)
JUDGE

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