



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2547of 2022 (O&M)
Date of Order:08.05.2024

Jatinder Singh

.Petitioner

Versus

Jaspreet Kaur @ Jasbir Kaur and others

..Respondents

CR No.5702 of 2022

Jaspreet Kaur @ Jasbir Kaur

...Petitioner

Versus

Jatinder Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Nitin Thatai, Advocate
for the petitioner (in CR NO.5702 of 2022)
for respondent no.1(in CR-2547-2022)

Mr. Vaibhav Sehgal, Advocate
Ms. Shivya Sehgal, Advocate
for the petitioner (in CR No.2547-2022)
for respondent no.1 (in CR-5702 of 2022)

ANIL KSHETARPAL, J

1. Two cross revision petitions have been filed against the assessment of Rs.10,000/- as mesne profit for use and occupation of the premises during the pendency of the appeal before the Appellate Authority.

2. The petitioner, in Civil Revision No.2547 of 2022, is a tenant, who has been ordered to be evicted by the Rent Controller vide order dated

21.09.2021.



3. During the pendency of the appeal filed by the tenant, he filed an application for staying the operation of the order, whereas the landlord filed an application for assessing mesne profit for use and occupation of the premises.

4. The Appellate Authority has assessed Rs.10,000/- per month as mesne profit for sue and occupation of the premises.

5. The landlord claims that the amount assessed is on the lower side whereas the tenant claims that it is on the higher side.

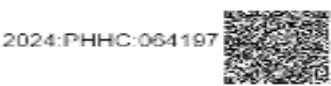
6. The Appellate Authority assesses the mesne profit only for a period when the appeal remains pending.

7. During the course of hearing, it has been disclosed by the learned counsel representing the parties that the main appeal is listed for 29.05.2024. Though, the landlord has produced lease deeds Annexures P-5 to Annexure P-7, to prove that the market rate of rent is around Rs.20,000/- per month, however, these shops are not located on the brown road where the shop in question is located. The appeal before the Appellate Authority is pending for the last nearly 3 years.

8. Keeping in view the aforesaid facts, this court is of the considered view that the interest of justice shall be served by requesting the Appellate Authority to make sincere endeavours for deciding the appeal on the next date of hearing.

9. Till then the tenants shall continue to deposit mesne profits of Rs.10,000/- per month. The amount deposited by the tenant shall be released to the landlord.

10. Disposed of accordingly.



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

May 08, 2024
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO