



125 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3356-2024 (O&M)

Date of decision: 31.05.2024

Raj Kumar

...Petitioner

Versus

Radhey Sham

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms. Ekta Thakur, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

1. The petitioner herein is a tenant, who was ordered to be evicted by the Rent Controller. He filed an appeal to assail the correctness of his order of eviction. During the pendency of the appeal, he filed an application for stay of the eviction order. The landlord filed an application for assessing mesne profits for use and occupation of the premises. While relying upon the rent note of the premises located in the neighbourhood, the appellate authority has assessed the mesne profits for use and occupation of the premises @ Rs.10,000/- per month with respect to a commercial shop located in Saidan Market, Ludhiana. The petitioner has filed an application to lead additional evidence.

2. The correctness of such order is challenged before this Court.

3. Heard the learned counsel representing the petitioner at length and with her able assistance perused the paper-book.

4. Learned counsel representing the petitioner submits that while filing the eviction petition, the landlord has asserted that the current agreed rate between the parties is Rs. 3,500/- per month. She submits



that the amount of mesne profit could not be more than the aforesaid amount. She further contends that the Court has relied upon an unregistered lease deed for a period of 11 months, which was not incorporated in the application filed by the respondent.

5. This Court has considered the submission made by the learned counsel representing the petitioner.

6. The assessment of mesne profits by the appellate authority is only for the purpose of ensuring that the landlord is duly compensated during the pendency of the appeal by an amount which is equivalent to the market rate. In order to prove the aforesaid fact, the landlord relied upon the rent note of a similar building located in the neighbourhood to prove that the market rent is Rs.38,000/- per month. The petitioner did not produce any material before the appellate authority to controvert the facts alleged by the landlord. Thus, the appellate court proceeded to assess the rent @ Rs.10,000/- per month. With regard to the argument of the learned counsel that the landlord while filing the petition has claimed that the current agreed rent is Rs.3,500/-, it may be noticed that for filing petition under the Rent Act, the landlord has merely stated the amount of agreed rent, which is ordinarily not equivalent to the market rent.

7. As far as the second submission of the learned counsel representing the petitioner is concerned, it may be noted that the appellate authority has not assessed the market rent @ Rs. 38,000/-. The court has already reduced the same to nearly 25%.



8. With reference to the application for additional evidence, it may be noted that in revision petition against an interlocutory order, the application for additional evidence is not maintainable.
9. Hence, no ground to interfere is made out.
10. Dismissed.
11. All the pending miscellaneous applications, if any, are also disposed of.

31.05.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE