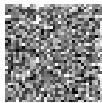


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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2024.PHHC:080967



1. CR-3569-2024
Date of decision: 01.07.2024

BALWINDER SINGH ..Petitioner
Versus
RAMNIK BANSAL AND ORS ..Respondents

2. CR-3572-2024

MADAN LAL ..Petitioner
Versus
RAMNIK BANSAL AND ORS ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Siddharth Gupta, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

These two connected revision petitions have been filed to challenge two identical orders passed by the Appellate Authority while assessing the amount of mesne profits payable to the landlord during the pendency of the appeal against the eviction of the petitioner. The Appellate Authority has assessed the amount of mesne profits at the rate of Rs.15,000/- per month of each shop while relying upon two registered rent notes of nearby shops reflecting rent of Rs.42,000/- per month and Rs.36,000/- per month, respectively. The learned counsel representing the petitioner contends that the shop No.4744 and 4747 are better located because they are bigger in size as well as the width of the street in the front of the shops is comparatively wider than the width of the street where the petitioner's shops are located. He submits that the Appellate Authority has erred in overlooking these facts. He submits that the assessment of mesne profits is required to be

made after taking into consideration the identically situated shop. He submits that the shop in question of Sh. Madan Lal is 6.5 feet X 13 feet only.

This Court has considered the submissions of the learned counsel representing the petitioner.

The Appellate Authority has already reduced the amount of mesne profits by nearly 1/3rd after taking into consideration the different size and the location. It has come on record that the shop No.4744 and 4747 are located in the same market i.e. Gandhi Market, Bathinda. Moreover, the arrangement made by the Appellate Authority is applicable only during the pendency of the appeal.

The shop in possession of Sh. Balwinder Singh (petitioner in CR-3569-2024) measures 8 feet X 13 feet, whereas, the shop in possession of Sh. Madan Lal (petitioner in CR-3572-2024) is 6.5 feet X 13 feet. The Appellate Authority was required to assess the amount of mesne profits on the basis of the material produced before it. The petitioner did not produce any other rent note showing that the current rate of rent is lower than what was assessed by the Court. The First Appellate Court has assessed the amount on the basis of the material produced by the landlord.

Hence, no ground to interfere is made out.

Dismissed accordingly.

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

July 01st, 2024

(ANIL KSHETARPAL)
JUDGE

Ay
Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*