

**CR-322-2025(O&M)****134 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-322-2025(O&M)**

Date of decision: 21.01.2025

Naresh Kumar and others

..Petitioners

Versus

Manjeet Singh Bhullar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vijay Rana, Advocate for the petitioners

ANIL KSHETARPAL, J.

The petitioners herein are the tenants who were ordered to be evicted by the Rent Controller on 10.05.2024. They filed an appeal before the appellate authority and prayed for an interim order. The landlord filed an application for assessing the amount of mesne profits if the interim order is to be granted. The appellate authority has assessed mesne profits at the rate of Rs.17,000/- per month, which is being questioned in the present revision petition. The petitioners' first appeal before the appellate authority is pending. They have only been directed to deposit at the rate of Rs.17,000/- per month during the pendency of the appeal.

Learned counsel representing the petitioners contends that in a separate petition, the court assessed the provisional rent at the rate of Rs.1000/- per month and the appellate authority has assessed the market value without any supporting material.

This Court has considered the submissions made by the learned counsel representing the petitioners.

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The assessment of the provisional rent at the initial stage is not synonymous to the amount of mesne profits. After the petitioners were ordered to be evicted, they were liable to pay ‘use and occupation charges’ during the pendency of the appeal, if they wanted to continue with the possession of the tenanted property. Hence, the current market rate of rent is required to be assessed while determining the amount of mesne profit. The appellate authority has noticed that the property is located on main Dakoha Road in Jalandhar City, which is one of the major cities of Punjab. The property is situated in a commercial area. Moreover, the amount assessed by the court cannot be said to be excessive.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Hence, dismissed.

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

(ANIL KSHETARPAL)
JUDGE

21.01.2025

rekha

Whether speaking/reasoned Yes/No

Whether reportable Yes/No