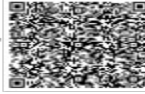
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****132****CR-793-2025 (O&M)****Date of decision: 06.02.2025****Ashwani Kumar****...Petitioner(s)****Vs.****Pardeep Kumar deceased through his LRs****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Arvind Kashyap, Advocate for the petitioner.

*********NIDHI GUPTA, J.**

The present revision petition has been filed by the tenant laying challenge to the order dated 09.05.2024 passed by the learned Appellate Authority, Jalandhar, whereby the mesne profits have been fixed @ Rs.10,000/- p.m.

2. Learned counsel for the petitioner/tenant submits that the mesne profits as fixed by the learned Appellate Authority, Jalandhar are on the higher side. The petitioner is unable to pay the same. The said order has been passed without considering the relevant material. The mesne profits have been assessed on the basis of Rent Agreement of another rented accommodation, which is of the bigger size; and without determining the condition of demised shop which is an old one and situated in deserted area and not opening in the main market. It is accordingly



prayed that the present revision petition be allowed; and impugned order be set aside.

3. No other argument is raised on behalf of the petitioner.

4. I have heard learned counsel for the petitioner and perused the case file in great detail.

5. Perusal of the record of the case shows that the petitioner had entered the demised shop as a tenant in the year 2001. On on 13.12.2016, the respondent/landlord had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 seeking ejection of the petitioner from the demised premises, on various grounds including non-payment of rent since 01.08.2012; bonafide requirement of the demised shop by the son of the respondent/landlord. Vide order dated 20.04.2023 passed by the learned Rent Controller, Jalandhar (Annexure P-1), the petitioner was directed to be ejected from the demised premises and it was directed that the petitioner handover the vacant possession of the shop/property in dispute within a period of 3 from the date of judgment to the respondent/landlord. The said order was challenged by the petitioner before the learned Appellate Authority/District Judge, Jalandhar. An application dated 04.09.2023 (Annexure P-2) was filed by the respondent/landlord for determination of mesne profits @ Rs.15,000/- p.m. Reply thereto was filed by the petitioner. After consideration of all the facts and circumstances of the case, the learned Appellate Authority, Jalandhar, vide impugned order dated 09.05.2024 has directed payment of Rs.10,000/-



p.m. as mesne profits to be paid by the petitioner till the disposal of the appeal.

6. Perusal of the file shows that in directing the above, the learned Appellate Authority, Jalandhar has taken into account the fact that the demised premises is measuring 8' x 16'; whereas the Rent Agreement produced by the landlord to show that the market rate is Rs.15,000/-p.m. pertains to a shop measuring 10' x 18'. As such, as the demised premises was slightly smaller than the relied-upon rent agreement, the learned Appellate Authority had determined the mesne profits as ₹10,000/- per month. I find no error in the same. From the record, it does not appear that any Rent Agreement to the contrary was produced by the petitioner before the learned Appellate Authority, Jalandhar. It was also not disputed by the petitioner before the learned Appellate Authority, Jalandhar that the demised shop was taken on rent by the petitioner in the year 2001.

7. As such, it is my considered view that just and fair mesne profits have been assessed by the learned Appellate Authority, Jalandhar, which calls no interference by this Court.

8. The present civil revision petition is accordingly **dismissed**.

9. Pending application, if any, stands disposed of.

06.02.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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