



136

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-3287-2025 (O&M)
Date of decision: 27.05.2025

Ram Sarup and another

...Petitioners

Versus

The Sewak Sabha Charitable Trust (Registered), Hisar

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ram Kumar Saini, Advocate for the petitioners.

VIKAS BAHL, J. (ORAL)

1. Challenge in the present revision petition is to the order dated 04.04.2025 passed by the Appellate Authority, Hisar in Rent Appeal case titled as “Ram Sarup and another Vs. Sewak Sabha Charitable Trust” vide which mesne profits have been assessed.

2. A perusal of the order dated 04.04.2025 would show that an application filed by the respondent-landlord for assessing the mesne profits at the rate of Rs.55,000/- per month from the date of eviction order till the date of decision of the appeal had been partly allowed and the petitioners have been directed to pay the mesne profits/rent of shop @ Rs.20,000/- per month to the respondent-landlord from the date of order of ejectment i.e., 21.12.2022. While assessing the said mesne profits, it had been observed by the Appellate Authority that no rent deed had been produced by the tenants



while on the other hand, two rent deeds which were duly signed by the tenants of the respective shops i.e., Gopesh Kumar and Naresh Kumar, which were let out by the Sewak Sabha Trust to them in the year 2019 at the rate of Rs.30,000/- and Rs.35,000/- per month, respectively, had been produced by the landlord. It had further been observed that rent receipts were also seen by the Court and it had been found that the said tenants are regularly paying the rent as mentioned in the said rent agreements to the respondent-landlord. It had further been observed that the shop in question is situated at the prime location of City Hisar, which is famous as it is a hub of Hospitals and medical shops and after taking into consideration the law laid down by the Hon'ble Supreme Court in **M/s Atma Ram Properties (P) Ltd. Vs. M/s Federal Motors Pvt. Ltd.** reported as **2005(1) RCR (Rent) 1**, mesne profits at the rate of Rs.20,000/- per month have been assessed.

3. Learned counsel for the petitioners has fairly submitted that there is no rent deed in possession of the petitioners and also could not dispute the rent deeds which had been relied upon by the Appellate Authority, Hisar. The said rent deeds are of the year 2019 and even in the year 2019, the rate of rent was shown to be Rs.30,000/-/Rs.35,000/- per month. The eviction order had been passed on 21.12.2022 and thus, the relevant time for assessing market rent for purpose of the mesne profits was December, 2022 and it is apparent that once it is shown that the rent in the year 2019 was Rs.30,000/-/Rs.35,000/- per month then there would be some increase in the said market rent upto the year 2022. In the said circumstances, the order passed by the Appellate Authority assessing the



mesne profits to be only Rs.20,000/- per month is an assessment more in favour of the tenants than the landlord.

4. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that the order dated 04.04.2025 passed by the Appellate Authority, Hisar, is in accordance with law and deserves to be upheld and is accordingly upheld and the present revision petition being meritless, deserves to be dismissed and is accordingly, dismissed.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

27.05.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No