



CR-4155-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4155-2022 (O&M)

Date of decision : 13.02.2025

Ajay Kumar

..... Petitioner

versus

Sharda Rani @ Sharda Kumari & anr.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Mitul Singh Rana, Advocate
for the petitioner.

Mr. Amit Mehta, Advocate
for the respondents.

PANKAJ JAIN, J. (ORAL)

CM-13961-CII-2022

For the reasons recorded in the application, the same is allowed.

Document Annexure P-6 is taken on record.

Main case

1 Present revision petition is directed against order dated 30.08.2022 passed by Appellate Authority (Rent), Hoshiarpur whereby petitioner-tenant who is in appeal against the order of eviction passed by Rent Controller has been granted interim subject to payment of *mesne* profit @Rs.12,000/- per month.

2 The appellate authority while assessing the *mesne* profits relied upon a rent note dated 17.09.2013 produced by the landlord whereby a shop in the market situated opposite to the demised premises was rented out on a

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monthly rent of Rs.10,000/-. The tenant approached this Court claiming that even though the rent note pertains to a shop in the market opposite to the demised premises, however, there is huge difference between condition of two shops and the demised premises cannot fetch the same rent. It has been further claimed that even if the rate of the *mesne* profits is to be assessed correlating the same with the gold index as held by Coordinate Bench in CR-4340-2024 titled as ***SANJAY BANSAL Vs. M/S MELODY HOUSE AND OTHERS*** decided on 03.10.2024, the *mesne* profits still will be below Rs.6,000/-

3 Counsel for the respondents-landlords relies upon ratio of law laid down by Supreme Court in the case of ***M/s Martin & Harris Private Limited & anr. Vs. Rajendra Mehta & ors., 2022(2) RCR (Rent) 109*** to submit that the basis for determination of the amount of *mesne* profits, depends upon various factors including the location of the property, nature of premises and the rate of rent precedent on which premises can be let out.

4 After hearing counsel for the parties, this Court proposed that let the *mesne* profits be assessed @Rs.8,000/-. Both the counsels have agreed to the proposal.

5 In view of above, present revision petition is disposed off.

6 Impugned order dated 30.08.2022 is modified to the extent that the *mesne* profits to be paid by the tenant during the pendency of the appeal shall be @Rs.8,000/- per month. The tenant shall clear entire arrears of rent upto the order of eviction i.e. 12.11.2021 and thereafter pay *mesne* profits



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w.e.f. 13.11.2021 @ Rs.8,000/- per month. The entire arrears be paid within a period of one month. The rest of the order is maintained.

13.02.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

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