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

(139)

CR-3290-2026

Date of decision: - 27.05.2026

Shekhar Kumar (since deceased) through his LRs

....Petitioner

Versus

S.S.D. Sabha (Regd.)

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. C.S. Jattana, Advocate, for the petitioner.

Mr. Binderjit Singh, Advocate, for the respondent.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India read with Section 151 CPC for setting aside the impugned order dated 01.12.2025 (Annexure P-5) passed by the Appellate Authority, vide which application dated 01.05.2025 (Annexure P3) filed by the respondent for mesne profit has been allowed.

2. On 29.04.2026, this Court was pleased to pass the following order: -

*“Present:- Mr. C.S. Jattana, Advocate
for the petitioner.*

Inter alia, contends that in similar matters, this Court vide order dated 03.10.2024 with respect to the same landlord and with respect to the shops situated in the same area, reduced the mense profits to Rs.15,000/- per month. It is submitted that the petitioner is ready to pay Rs.15,000/- per month as mesne profits and is also



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ready to pay arrears of mesne profits from 06.03.2025, which is the date of eviction, till date within a period of 10 days from today.

Notice of motion for 18.05.2026.

Liberty is granted to the petitioner to serve the respondent through the counsel appearing before the Appellate Authority as well as through dasti process.

In the meantime, the petitioner would pay an amount of Rs.15,000/- per month as mesne profits of instead of Rs.20,000/- per month, as ordered by the Appellate Authority, on the 10th of each month and the said amount would be paid to the respondent-landlord subject to the final decision in the appeal. The petitioner, as undertaken before this Court, would also pay the arrears of mesne profits @ Rs.15,000/- per month instead of Rs.20,000/- per month within a period of 10 days from today before the Appellate Authority and the said amount would also be released to the respondent subject to the final decision by the Appellate Authority.

To be taken up in the urgent list.

April 29, 2026”

3. Learned counsel for the petitioner has submitted that the petitioner has duly complied with the said order and has paid the arrears of mesne profit @ Rs.15,000/- per month and is also paying Rs.15,000/- for every month. It is further submitted that with respect to six shops which belonged to the same landlord and were in the same locality as the shop in question, this Court had vide order dated 03.10.2024 passed in CR-4208-2024 in the case titled as “**Devinder Kumar Vs. Shree Sanatan Dharam Sabha (Regd.)**”, along with other connected cases, had reduced the mesne profit awarded from Rs.22,000/- per month to Rs.15,000/- per month. It is further submitted that the appeals in those six cases are still pending before the Appellate Authority and the petitioners in those cases



are also paying Rs.15,000/- per month as mesne profits. It is argued that in the present case, the mesne profit which has been assessed by the Appellate Authority is Rs.20,000/- per month and at any rate, the same deserves to be reduced to Rs.15,000/-, as ordered vide judgment dated 03.10.2024. It is submitted that the present case is squarely covered by the said judgment dated 03.10.2024.

4. Learned counsel appearing for the respondent could not dispute the fact that the shop in question is in the vicinity of the premises regarding which six revision petitions were disposed of vide order dated 03.10.2024.

5. This Court has heard learned counsel for the parties and has perused the paperbook.

6. The respondent had filed a petition for eviction under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 with respect to shop in question i.e. Shop No.3/AMR situated at Mall Road, Opposite Gole Diggi Market, Bathinda. The Rent Controller vide order dated 06.03.2025 had allowed the said petition and ordered the eviction of the present petitioner. The petitioner had filed an appeal against the said judgment dated 06.03.2025 and the respondent had moved an application for mesne profit and the Appellate Authority vide order dated 01.12.2025 had assessed the mesne profit at Rs.20,000/- per month. It is the said order which has been challenged on behalf of the petitioner-tenant.

7. This Court while deciding CR-4208-2024, along with other connected cases, with respect to six shops which were owned by the same



respondent-landlord and were in the same locality as the shop in question, which facts have not been disputed before this Court, vide order dated 03.10.2024, which is annexed as Annexure P-6, had reduced the mesne profit from Rs.22,000/- to Rs.15,000/- after taking into consideration all the facts and circumstances. The relevant portion of the said judgment dated 03.10.2024 is reproduced herein below: -

*“7. A Coordinate Bench of this Court in **Angoori Devi and others vs. Smt. Satya Bhama** decided on 06.04.2016 passed in **CM-2343-CII-2024 in CR-6248-2011** had after considering the law laid down by the Hon’ble Supreme Court in the case of **Anderson Wright (supra)** as well as **M/s Atma Ram Properties Pvt. Ltd. Vs. M/s Federal Motors Pvt. Ltd. reported as 2005(1) RCR (Rent) 1**, observed that the Courts have to draw a balance between the two competing claims by fixing the mesne profits at a rate between the contractual rate and the market rent and for the same, there is no straight jacket formula and the Court would have to be guided by the facts of each case.*

xxx xxx xxx xxx

10. On carrying out the said exercise, this Court is of the opinion that the mesne profits with respect to all the shops in question deserves to be assessed at Rs.15,000/- per month and accordingly, all the six revision petitions are partly allowed and the order dated 19.07.2024 is modified to the extent that in stead of mesne profits being assessed at the rate Rs.22,000/- per month, the same would be taken to be Rs.15,000/- per month. The other conditions would be the same as have been detailed in paragraph 11 of the order dated 19.07.2024 passed by the appellate authority, the relevant portion of which has been reproduced hereinabove, in the five revision petitions i.e., CR-4208-2024, CR-4209-2024, CR-4210-2024, CR-4211-2024 & CR-4212-2024. With respect to CR-4242-2024 on account of the fact that it has been stated that the petitioner therein has financial constraints and it has also been



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brought to the notice of this Court by learned counsel for the respondent that the petitioner has not complied with the directions given by the appellate authority of depositing the amount, this Court directs the petitioner in CR-4242-2024 to deposit the arrears of mesne profits at the rate of Rs.15,000/- p.m. w.e.f. 28.08.2023 within a period of two months from today i.e., upto 02.12.2024 and would pay the mesne profits at the rate of Rs.15,000/- p.m. by the 15th of every month starting from October 2024. The other conditions however will remain the same.

October 03, 2024”

8. It could not be disputed before this Court that the facts of the above said case would fully apply in the present case.

9. Keeping in view the above-said facts and circumstances, the present revision petition is partly allowed and the order dated 01.12.2025 is modified to the extent that instead of mesne profit being assessed @ Rs.20,000/- per month, the same would be taken to be Rs.15,000/- per month. It is not disputed that the petitioner has already paid the arrears in compliance with the interim order. The petitioner is directed to continue to deposit mesne profit @ Rs.15,000/- per month till the time the Appellate Court decides the matter finally and the said amount would be released to the respondent subject to the final decision by the Appellate Authority.

May 27, 2026
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No