

2026:PHHC:065372



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

CR-3585-2026

Date of Decision: 29.04.2026

PAPPU

...Petitioner

Versus

SOHAN SINGH

...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Jatinder Singh Mundi, Advocate
for petitioner.

Mr. Abdul Aziz, Advocate
for respondent.

PARMOD GOYAL, J. (ORAL)

The present revision petition has been filed by petitioner/tenant under Article 227 of the Constitution of India being aggrieved by impugned order dated 05.12.2025 (Annexure P-9), passed by learned Appellate Authority, Malerkotla vide which in appeal against order of eviction, mesne profits of shop under tenancy payable during pendency of appeal was fixed as Rs.10,500/- per month. It was ordered that in case mesne profits are not paid from the date of eviction order dated 18.11.2023, stay of eviction shall stand vacated automatically.

2. Learned counsel for petitioner/tenant has challenged the impugned order on the ground that none of the rent notes relied upon by respondent/landlord before the learned First Appellate Court existed as no shops stated in the rent notes exists on the ground. He has also relied upon receipts issued by one Mohammad Hameed regarding shop measuring 11 x 15 ft situated at Iqbal Colony, opposite bus stand, Malerkotla, wherein the said shop was at the rent of Rs.2,500/- for the last 10 years and receipts

issued by Mahboob Alam wherein said shop was on rent of Rs.3,000/- for last 25 years.

3. On the other hand, learned counsel for respondent/landlord has opposed the revision petition on the ground that learned First Appellate Court has rightly relied upon rent notes produced by petitioner/tenant and has taken average of both the rent notes.

4. Admittedly, before the learned First Appellate Court, respondent/landlord had duly placed reliance upon rent note dated 15.09.2021 showing rent of nearby shop to be Rs.8,000/- per month. Respondent/landlord had also relied upon rent note dated 22.02.2023 regarding another nearby shop wherein rent was agreed as Rs.13,000/- per month in support of his case for fixation of mesne profits. Learned Appellate Court had taken average of both the rent notes and had concluded mesne profits to be Rs.10,500/-.

5. On the other hand, no receipts or any material to show market rent prevailing in the year 2025 was placed on record by petitioner/tenant before First Appellate Court. The receipts being relied upon are being filed with the present revision petition.

6. On consideration, I do not find any error in the approach of learned Appellate Court. Even if receipts relied upon by petitioner-tenant are taken into consideration, it is clearly made out that shop which was under tenancy of Mehboob Alam was rented out 25 years ago at rent of Rs.3,000/- per month. If the inflation is added then mesne profits duly calculated by learned Appellate Court cannot be faulted with. Even from receipts relied upon by petitioner/tenant, the fixation of mesne profits by learned First Appellate Court is duly justified. Moreover, mesne profits is only a

temporary arrangement and in case petitioner/tenant succeeds, his status as tenant would get revived and he shall be liable only to pay the agreed rent and become entitled to remaining excess amount.

7. Therefore, no interference with the impugned order is justified. It is, however, directed that entire arrears of rent be calculated as per order of learned First Appellate Court and be paid by petitioner/tenant within next 10 days from today before the First Appellate Court. In case, petitioner/tenant fails to pay the entire arrears, he shall not be entitled to stay of eviction order as has been directed by learned Appellate Court.

8. It is further directed that out of total mesne profits, 50% amount shall be paid to the respondent/landlord and remaining 50% amount shall be kept in the form of FDR fetching maximum interest, with the Executing Court which shall be payable to the party who succeeds in the appeal before learned First Appellate Court. It is also made clear that rights of parties shall be governed by final decision of the appeal.

9. It is further directed that petitioner/tenant shall pay mesne profits as determined by learned First Appellate Court on regular basis on or before every 10th of next month, in the same manner as has been directed above.

10. Revision petition is disposed of in above terms.

11. Pending application(s), if any, is/are disposed of accordingly.

29.04.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No