

Naresh Aggarwal Vs Ramesh Chand

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Feb. 24, 2014

Citation: (2014) 2 RCR(Rent) 392

Hon'ble Judges: Sabina, J

Bench: Single Bench

Advocate: Ajay Jain, Advocate for the Appellant; Divanshu Jain, Advocate for the Respondent

Judgement

Sabina, J.

Respondent had sought ejectment of the petitioner on the ground of personal necessity and non-payment of rent. Ejectment

petition filed by the respondent was allowed by the trial court vide order dated 15.01.2013 on the ground of personal necessity. Aggrieved against

the said order, petitioner has preferred an appeal. During the pendency of the appeal, respondent moved an application for determination of mesne

profits. Vide the impugned order dated 20.04.2013, Appellate Authority has assessed the mesne profits @ Rs. 15,000/- per month. Hence, the

present petition by the tenant-petitioner. Learned counsel for the petitioner has submitted that the Appellate Authority has erred in determining the

mesne profits @ Rs. 15,000/- per month. In fact, the premises in question was a Turi site and had been rented out at Rs. 1200/- per month. The

landlord was demanding Rs. 9,450/- per month as rent. The mesne profits had been assessed by the Appellate Authority at an exorbitant rate and

were liable to be reduced.

2. Learned counsel for the respondent, on the other hand, has submitted that, although, the site in question was reserved as a Turi site but the

petitioner was not using the same as a Turi site but was running a confectionery store. In the adjoining areas, now the rate of rent is Rs. 45,000/-

per month.

3. The Appellate Authority, while assessing the mesne profits has noticed that before the Rent Controller, the rate of rent was determined @ Rs.

4,000/- per month as agreed between the parties. The premises in question had been rented out to the petitioner in the year 1994. As per lease

deed dated 07.03.2010 placed on record, booth No. 12, Milk Colony Dhanas had been rented out at monthly rent of Rs. 10,000/-. So far as the

present shop is concerned, its area is about 5 times the area of booth No. 12, Milk Colony Dhanas. In these circumstances, the learned Appellate

Authority had rightly assessed the mesne profits @ Rs. 15,000/- per month. The said rate cannot be said up on the higher side. In these

circumstances, no ground for interference is made out.

Dismissed.