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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(120)

CR-846-2025

Date of Decision: - 07.02.2025

M/s Baba Hoshiarpuri Chat Bhandar

....Petitioner

Versus

Tanu Singhania (since deceased) through her LRs and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Jasleen Kaur, Advocate,
for the petitioner.

Mr. Shrenik Jain, Advocate
for the respondent-Caveator

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India against the order dated 18.11.2024 (Annexure P-6) passed by the 1st Appellate Court/Additional District Judge, Ludhiana in Rent Appeal bearing R.A. No.19 of 2024 titled as 'M/s Baba Hoshiarpuri Chat Bhandar Vs. Tanu Singhania' whereby two applications, one filed by the respondents/landlords for assessment of the mesne profits/damages (Annexure P-4) and other filed by the petitioner/tenant for staying the operation of order dated 18.01.2024 passed by the Rent Controller, have been decided.

2. Learned counsel for the petitioner has submitted that the Rent

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Controller, Ludhiana, vide order dated 18.01.2024 (Annexure P-1) has found that the rent of demised shop is Rs.3,000/- per month and the petitioner is in arrears of rent since December, 2012 and the said finding is illegal and the same deserves to be set aside. It is further submitted that the rent of premises was not Rs.3,000/- per month. It is submitted that even the impugned order dated 18.11.2024 assessing the mesne profit is not in accordance with law and deserves to be set aside.

3. Learned counsel for the respondent, on the other hand, has submitted that the Rent Controller, Ludhiana, vide order dated 18.01.2024, has come to the finding that the rent of the demised shop is Rs.3,000/- per month and has further found that the petitioner is in arrears of rent since December, 2012. It is further stated that vide order dated 18.11.2024, stay order was granted in favour of the present petitioner on the condition that the petitioner would pay arrears of rent up to 31.10.2024 within a period of two months from the date of the said order i.e. 18.11.2024 and thus, the said arrears of rent were to be paid on or before 18.01.2025. It is argued that the petitioner has not paid the arrears of rent up to 18.01.2025 and has in fact not paid the same even till date and thus, on the said ground alone, the present revision petition deserves to be dismissed. It is further submitted that even mesne profits to the extent of Rs.18,000/- per month had been assessed by the 1st Appellate Court and the said amount has also not been paid within the aforesaid period of two months.

4. This Court has heard learned counsel for the parties and has



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perused the paper-book and finds that the impugned order is in accordance with law and deserves to be upheld and the present revision petition being meritless, deserves to be dismissed for the reasons stated hereinafter.

5. It is not in dispute that the Rent Controller vide order dated 18.01.2024, after due contest and after giving opportunities of leading evidence to both the parties, had found that the rent of the premises was Rs.3,000/- per month and the petitioner was in arrears of rent @ Rs.3,000/- per month since December, 2012. Vide order dated 18.11.2024, stay was granted in favour of the petitioner, in the appeal filed by the petitioner against the order dated 18.01.2024, on the condition that the petitioner would pay the said arrears of rent within a period of two months from 18.11.2024. It is not disputed that the said arrears of rent @ Rs.3,000/- per month has not been paid by the petitioner even till date. On the said short ground alone, the present revision petition deserves to be dismissed.

6. Additionally, it would be relevant to note that the 1st Appellate Court vide order dated 18.11.2024 had further assessed the mesne profits @ Rs.18,000/- per month for use and occupation of the shop in question after the date of eviction i.e. 18.01.2024 and even the said arrears of mesne profit up to 31.10.2024 were required to be paid within a period of two months from 18.11.2024 i.e., up to 18.01.2025. It is not disputed that even the said amount has not been paid. The order of the 1st Appellate Court assessing the mesne profits is also in accordance

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with law, inasmuch as, the 1st Appellate Court has taken into consideration the fact that the demised shop is in a commercial area and the present petitioner is running the business of Chat Bhandar under the name and style of M/s Baba Hoshiarpuri Chat Bhandar and the rent @ Rs.3,000/- per month was with respect to tenancy of the year 1991 and thereafter there has been substantial increase in the rental value and also inflation.

7. Keeping in view the above-said facts and circumstances, the impugned order is in accordance with law and deserves to be upheld and the present revision petition being meritless, deserves to be dismissed and is accordingly dismissed.

February 07, 2025*naresh.k***(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes
No