

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

2025:PHHC:045710



(136)

CR-5838-2024 (O&M)

Decided on : 03.04.2025

Darshan Kumar

.....Petitioner

Versus

Meena Rani & others

.....Respondents

**CORAM : HON'BLE MR.JUSTICE ANIL KSHETARPAL**

Present: Mr.Aayush Gupta, Advocate, for the petitioner.  
Mr.Garandeep S.Virk, Advocate, for respondent No.1.

**ANIL KSHETARPAL, J. (Oral)**

1. The petitioner herein is a tenant in a petition under Section 13 of the East Punjab Urban Rent Restriction Act of 1949 seeking eviction of the petitioner which was allowed by the Rent Controller, Ludhiana on 06.03.2024 (Annexure P-1).

2. Petitioner filed the appeal alongwith an application for grant of injunction. The landlord filed application for assessing mesne profits for use and occupation of the premises.

3. The Appellate Authority found that no material has been produced to assess the amount of mesne profits. However, vide order dated 04.09.2024, it proceeded to assess the mesne profits @ Rs.25,000/- per month on the ground that the shop was rented out @ Rs.1200/- per month in the year 1990.

4. The Appellate Authority is required to rely upon certain material evidence to assess the amount of mesne profits. If the landlord fails to produce any material, the Court cannot assess the mesne profits only on assumption.

5. Consequently, the present revision petition is allowed and impugned order dated 04.09.2024 is set aside, while directing the Appellate Authority to decide the application afresh.

(ANIL KSHETARPAL)  
JUDGE

April 3, 2025  
*s/ sailesh*

Whether speaking/reasoned :  
Whether Reportable :

Yes/No  
Yes/No