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

CR-2063-2025

Date of decision: 03.04.2025

Tahir Hassan and another

...Petitioners

Versus

Mohinder Pal Khanna

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Arora, Advocate for the petitioners.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for quashing/setting aside the order dated 17.02.2025 (Annexure P-5) passed by the Appellate Authority, Jalandhar vide which the Court below has directed the petitioners to pay mesne profits @ Rs.4,000/- per month from the date of ejectment order.

2. Learned counsel for the petitioners has submitted that the amount of Rs.4,000/- per month which has been ordered to be paid as mesne profits is highly excessive as the premises in question consists of two rooms, store, kitchen, bathroom, staircase and courtyard. It is submitted that the said amount of Rs.4,000/- per month be reasonably decreased.

3. This Court has heard learned counsel for the petitioners and has



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.

4. It is not in dispute that the respondent had filed a petition under Section 13 of the East Punjab Rent Restriction Act, for ejection of the petitioners from the premises in question which was allowed vide judgment dated 17.02.2024 (Annexure P-1). The premises as is apparent from the judgment (Annexure P-1) is a house/premises bearing No.WR-223, Mohalla Boharwala, Bast: Sheikh, Jalandhar consisting of two rooms, store, kitchen, bathroom, staircase as well as a courtyard and is stated to be bound by a street on the western side. In the application dated 28.05.2024 (Annexure P-3) filed by the respondent-landlord for assessment of mesne profits after passing of the ejection order, it was stated that the premises in question is in the heart of Jalandhar city and is located in a very thickly populated area and the present rate of rent is much higher than the contractual rate of rent. In the application, it was further stated that similar properties as the property in question fetch a market rate of rent of Rs.5500/- per month and the latest rent agreement regarding similar property bearing No.WF-183, Basti Sheikh, Jalandhar, was also attached along with the said application.

5. The Appellate Authority, Jalandhar, vide order dated 17.02.2025 assessed the mesne profits as Rs.4,000/- per month. While doing the same, the Appellate Authority took into consideration the rent note of the similar property in the same locality which was Rs.5500/- per month and after taking a balanced view assessed the mesne profits as Rs.4,000/- per month. The law laid down by the Hon'ble Supreme Court of India in M/s



Atma Ram Properties Pvt. Ltd. Vs. M/s Federal Motors Pvt. Ltd. reported as *2005(1) RCR (Rent) 1* as well as in *State of Maharashtra Vs. M/s Supermax International Pvt. Ltd.* reported as *(2009) 9 SCC 772* was also taken into consideration. No contrary rent note/rent agreement was produced by the petitioners/tenants to show the market rate of rent of similar premises on the date of order of eviction i.e., 17.02.2024.

6. Keeping in view the abovesaid facts and circumstances, the impugned order dated 17.02.2025 is in accordance with law and is upheld and the present revision petition being meritless, deserves to be dismissed and is accordingly, dismissed.

03.04.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No