



CR-2146-2025

-1-

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

(108)

CR-2146-2025

Date of Decision: - 05.04.2025

Rakesh Kumar

...Petitioner

Versus**Vishnu Kumar Talwar**

....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Devansh Khanna, Advocate
for Mr. Naveen Kumar Mahajan, Advocate
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India read with Section 15(5) of the East Punjab Urban Rent Restriction Act for setting aside the impugned order dated 24.02.2025 (Annexure P-2) passed by the Appellate Authority, Jalandhar vide which the mesne profits to the tune of Rs.6,000/- per month has been assessed.

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner is a tenant since 1972 and initially the rent was Rs.100/- per month, which was later on increased to Rs.950/- per month. It is further submitted that the mesne profits of Rs.6,000/- per month is highly excessive and the same should be reduced and the impugned order



CR-2146-2025

-2-

deserves to be modified accordingly.

3. This Court has heard learned counsel for the petitioner 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 detailed hereinafter.

4. It is not in dispute that the respondent-landlord had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act for the ejection of the petitioner from the shop measuring 24'-10" x 9'-4" situated in the property no. I.E.6.U, Municipal No.EG-992, Chowk Madan Flour Mills, Nehru Garden Road, Jalandhar and as shown red in the site plan, which was bounded as East: Remaining portion of property of landlord, **West: Main Nehru Garden Road**, North: Passage 2' & then shop owned by landlord currently in possession of tenant Pardeep Goyal of Indera Tractors, South: Property of Lal Chand. It is thus apparent that the property was in municipal area and on the western side of the same was the Nehru Garden Road. Vide judgment dated 05.02.2024, the eviction petition was allowed and the petitioner was directed to hand over the vacant possession of the shop in question within a period of two months. Thereafter, the petitioner filed an appeal, in which he filed an application for stay, whereas, the respondent filed an application for mesne profits.

5. The Appellate Authority vide order dated 24.02.2025 assessed the mesne profits @ Rs.6,000/- per month and directed the

**CR-2146-2025****-3-**

petitioner to pay the same within a period of one month from the date of passing of the order. A further direction was given to pay the future mesne profits, every month, before 10th of every calendar month. While passing the said order, the Appellate Authority had taken into consideration the arguments raised on behalf of both the parties. The argument on behalf of the respondent-landlord to the effect that the property in question was situated on the main Nehru Garden Road, Jalandhar, known as Madan Four Mill Chowk, which was a highly commercial area and also the fact that the said building could easily fetch rent much more than the buildings which were situated in the side lane known as S.D. College Street, Jalandhar, was noticed. Further argument to the effect that the S.D. College street was 25 feet wide, whereas, the property in question was situated on the main road which was 60 feet wide and the property in question measured 226.54 sq. ft of carpet area, of which the approximate rent was Rs.200/- per square ft. and thus, could easily fetch rent of Rs.45,000/- per month was also noticed.

6. The respondent-landlord had claimed Rs.45,000/- per month as mesne profit. The Appellate Authority had taken into consideration the site plan (Ex. P-21) and also the fact that the property bears Municipal No.EG-992, Nehru Garden Road, Jalandhar and that an owner of the shop situated at Nehru Garden Road was fetching rent @ Rs.70/- per square ft. A rent agreement with respect to the property bearing No.B-596, Ramesh Colony, Opposite S.D. College for Women, Jalandhar in which the rate of rent was mentioned as Rs.18,000/- per month was also



CR-2146-2025

-4-

taken into consideration. It is further averred that both the said properties were in the vicinity of the demised premises. No contrary rent agreement was produced by the petitioner before the Appellate Authority and even before this Court. In spite of the above, the Appellate Authority took a view which was primarily in favour of the tenant and assessed the mesne profit @ Rs.6,000/- per month only. While doing the same, the Appellate Authority also took into consideration the the law laid down by the Hon'ble Supreme Court in the case of "State of Maharashtra and another Vs. M/s Super Max International Pvt. Ltd. and others", reported as 2009(9) SCC 772. From the facts stated in the impugned order, which have not been disputed before this Court, this Court is of the opinion that the view taken by the Appellate Authority is more in favour of the tenant than the landlord and the mesne profits assessed @ Rs.6,000/- per month is extremely reasonable in the facts and circumstances of the present case.

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.

April 05, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes