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

(121)

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Date of decision: - 05.05.2025

Rahul and another

...Petitioners

Versus

Rambabu and others

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rohit Mittal, Advocate, for the petitioners.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for quashing the impugned order dated 27.02.2025 (Annexure P-5), passed by the Appellate Authority, vide which the mesne profit has been assessed as Rs.12000/- per month.

2. Learned counsel for the petitioners has submitted that in the present case, the admitted rent is Rs.1200/- per month and vide the impugned order, the 1st Appellate Court has assessed the mesne profit @ Rs.12000/- per month from the date of decree of eviction till the date of passing of the order dated 27.02.2025 and the said amount is highly excessive. It is further submitted that the market rent of the premises adjoining the premises in question is much lower than the amount of Rs.12000/- per month and thus, the amount of mesne profit is liable to be substantially reduced.

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



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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. A perusal of the eviction petition would show that the property in question is one pucca shop, having three bays and is situated at Pull Bazar, Town Narnaul, Tehsil Narnaul, District Mahendergarh. On the western side it had been stated that there is Pull Bazar road. The Appellate Authority while staying the operation of the eviction judgment had assessed the mesne profit @ Rs.12000/- per month and while doing so, the Appellate Authority had taken into consideration several lease deeds produced, including the lease deed of a shop which was situated in Pull Bazar, as is apparent from paragraphs No.4 and 7 of the impugned order. The said lease deed with respect to the shop situated in Pull Bazar has not been annexed alongwith the present petition so as to point out difference, if any, in the said property and the property in question. No lease deed has been referred to by learned counsel for the petitioners to show that the mesne profit which has been assessed is excessive. In the said circumstances, the same cannot be stated to be excessive.

5. The Hon'ble Supreme Court in the case of "*Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil*", reported as (2010) 8 *Supreme Court Cases* 329, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or

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courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227 but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

6. Keeping in view the above, this Court is of the opinion that the impugned order does not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned order is upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

May 05, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
Yes