

M/s Janta Cloth House and Anr. vs. Rakesh Kapoor and Ors.

Civil Revision No.48 of 2019

24.06.2026 Present: Mr. Ashok Sood, Senior Advocate, with Mr. Rajat Rana, Advocate, for the petitioners.
Mr. Ajay Kochhar, Senior Advocate, with Mr. Vivek Sharma and Mr. Varun Chauhan, Advocates, for the respondents.

CMP No.13525 of 2019

Pleadings are complete.

For consideration, list on **22.07.2026**

CMP No.14168 of 2019

Pleadings are complete. This application would be considered, with the main revision at the time of final hearing.

CMP No.14149 of 2024

The accompanying petition has been filed by the non-applicants-M/s Janta Cloth House, against the order dated 30.11.2018, passed by the learned Appellate Authority, Mandi, District Mandi, H.P., in Rent Appeal No.01 of 2017, titled as M/s Janta Cloth House and another versus Rakesh Kapoor and others.

The said appeal was preferred by the non-applicants against the eviction order dated 31.03.2017, passed by the learned Rent Controller, Court No.3, Mandi, in Rent Petition No.1/16/ 2009, titled as Rakesh Kapoor and others versus Mohan Singh and another.

By way of the present application, filed by the applicants, a prayer has been made to grant the use and occupation charges, which have been claimed @ Rs.22,000/- per month, from the date of eviction order dated 31.03.2017, till the final adjudication of the above titled revision.

In order to substantiate the claim of Rs.22,000/-, copy of the rent agreement dated 28.05.2024, which has been entered upon between Hemant Kapoor and Yugal Kapoor.

When, put to notice, the application has been contested by the applicants, by taking the preliminary objections that the use and occupation charges, as setup in the claim, are not sustainable, before the Appellate Authority.

On merits, the application has been contested on the ground that the highly exorbitant rate of use and occupation charges have been claimed.

In addition to this, it has also been pleaded that the rent of the adjoining shop was Rs.4,000/- per month and of the another shop, under the tenancy of Harish Kumar was Rs.10,000/-per month.

On the basis of the above facts, a prayer has been made to dismiss the application.

Heard.

The present accompanying petition has been filed against the eviction order, which has been passed by the learned

Rent Controller and has unsuccessfully been assailed, before the Appellate Authority.

The non-applicants are now before this Court, under the revisional jurisdiction. After the eviction order, the nature of the relationship has now been changed, and the person, who is in possession of the demised premises is bound to pay the use and occupation charges.

Considering the rival contentions of the parties, according to which, the applicants have claimed the use and occupation charges @ Rs.22,000/- per month, whereas, the person in possession of the demised premises has set up a case, according which, the rent of the similar situated shop is Rs.4,000/-, per month, this Court is of the view that ends of the justice would be met, when the use and occupation charges are fixed @ Rs.8,000/- per month. Ordered accordingly. The same is ordered to be paid/deposited from the date of eviction order, till date. The arrears, be deposited within a period of six months and thereafter, the non-applicants shall deposit the use and occupation charges, on or before the tenth day of every month, before this Court.

Application stands disposed of.

(Virender Singh)
Judge

June 24, 2026
(subhash)