

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.4018 of 2015

Date of decision:16.10.2015

Lehari Singh

..... Petitioner

Versus

Paramjit Kaur

..... Respondent

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Present : Mr. Shekhar Choudhary, Advocate for the petitioner.

Mr. Vikrant Guleria, Advocate for the respondent.

ARUN PALLI, J. (Oral)

Vide order dated 5.7.2014, rendered by the Rent Controller, Chandigarh, ejection of the petitioner was ordered from the demised premises i.e. Ist floor of H.No.3400, Sector 32-D, Chandigarh. As in an appeal preferred by the petitioner-tenant, the Appellate Authority assessed the mesne profits of the premises at ₹11,000/- per month, the petitioner-tenant is before this Court vide this revision petition.

On July 01, 2015 this Court while issuing notice of motion had passed the following order:-

“Notice of motion returnable by 16.10.2015.

In the meanwhile, operation of the impugned order shall remain stayed but subject to the following

conditions:-

(i) “that petitioner will clear all arrears of mesne profits @ Rs.9,000/- per month within a period of 15 days from today; and

(ii) that the petitioner shall continue to pay the future rent at the same rate by 11th of each month till further order.

In case the petitioner fails to comply with any of these conditions, then in that eventuality the stay order shall stand automatically vacated”.

Mr. Vikrant Guleria, Advocate, has caused appearance on behalf of the respondent.

Counsel for the parties are *ad idem* that arrears of mesne profits at the rate of ₹9,000/- per month in terms of the order passed by this Court have since been deposited. In fact, the appeal preferred by the petitioner had been dismissed on 7.10.2015 and entire arrears of rent at the rate of ₹9,000/- per month till the dismissal of the appeal has since been paid.

That being so, counsel for the parties submit that the order being assailed, dated 21.03.2015, be modified and let mesne profits be fixed at ₹9,000/- per month, from the date of the order of eviction i.e. 5.7.2014 till the decision of the Appellate Authority i.e. 7.10.2015. However, if there ever is any occasion for the landlord to move another application for determination of mesne profits, for appeal preferred by the petitioner/tenant has since been dismissed, this order shall have no bearing on the said application and the same shall be decided on merits.

Ordered accordingly.

Disposed of in above terms.

October 16, 2015

Manoj Bhutani

**(ARUN PALLI)
JUDGE**