

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CR No.6057 of 2015(O&M)
Date of decision: 06.10.2015

Nirmla Bhardwaj ... Petitioner

Versus

Suresh Kumar and others ... Respondents

2. CR No.6590 of 2015(O&M)
Date of decision: 06.10.2015

Suresh Kumar and others ... Petitioners

Versus

Nirmla Bhardwaj ... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Rahul Sharma-I, Advocate for
Mr. Vinod K. Kataria, Advocate
for the petitioner in CR-6057-2015; and
for the respondent in CR-6590-2015.
Mr. Kunal Mulwani, Advocate
for the petitioners in CR-6590-2015; and
for the respondents in CR-6057-2015.

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?

ARUN PALLI J. (Oral)

On 16.09.2015, in Civil Revision No.6057 of 2015,
this court had passed the following order:

“Contends that the agreed rate of rent is ₹ 6,400/- per month and, thus, the assessment of mesne profits by the appellate authority @ ₹ 25,000/- per month is harsh, excessive and punitive in nature.

Notice of motion for 06.10.2015.

Process dasti as well, with a liberty to serve the respondents through their counsel before the appellate authority.

In the meanwhile, petitioner shall deposit the entire arrears as also the future mesne profits @ ₹ 15,000/- per month, within a period of two weeks from today.

To be shown in the urgent list.”

Having argued the matter at some length, learned counsel for the parties, on instructions from their respective clients, who are present in person, have reached a consensus that let mesne profits be fixed @ ₹ 15,000/- per month. But, this shall have no bearing, if post-decision of the appellate authority, there ever is an occasion to re-assess the mesne profits, for this application is being disposed of only on a consensus reached between the parties. Further, as the matter is listed before the appellate authority for arguments on 13.11.2015, the same be directed to be decided on the date fixed.

That being so, mesne profits are fixed @ ₹ 15,000/- per month and the order being assailed, dated 31.08.2015, is accordingly modified. This order, however, shall have no

bearing, if post decision of the appellate authority, there ever is an occasion to assess the mesne profits. The appellate authority is requested to decide the appeal on the date already fixed i.e. 13.11.2015 or maximum within a period of two weeks thereafter.

Revision petitions are disposed of in the above terms.

October 6, 2015
Rajan

(Arun Palli)
Judge