

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.7932 of 2015(O&M)
Date of decision: 03.12.2015

Devinder Mohan Bhalla

... Petitioner

Versus

Madan Lal Bansal and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Karan Vir Nanda, Advocate for the petitioner.
Mr. Divanshu Jain, Advocate for the respondents.

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)

Vide order dated 27.05.2015, the Rent Controller, Chandigarh, had ordered the ejectment of the tenant-petitioner. An appeal, preferred against the said order, is pending before the appellate authority, and vide order being assailed, dated 20.10.2015, mesne profits for the demised premises were assessed @ ₹ 65,000/- per month payable from the date of the order of eviction. This court, while issuing notice of motion, passed the following order:

“Contents that the petitioner was inducted in the premises at a rent of ₹ 19,800/-per month, and, thus, the assessment of mesne profits by the Appellate Authority @ ₹ 65,000/- per month is not only excessive but is harsh and punitive in nature. It is contended that the petitioner is ready and

willing to pay a sum of ₹ 55,000/- by way of mesne profits.

Notice of motion.

Process *dasti* as well, with liberty to serve the respondents through counsel before the Appellate Authority.

Adjourned to 03.12.2015. To be shown in the urgent list.

In the meanwhile, petitioner shall deposit arrears of mesne profits @ Rs.55,000/-, after claiming adjustment, if some rent for the same period is already deposited, within three days from today and shall continue to pay the mesne profits at the same rate, by 7th of every month.”

Mr. Divanshu Jain, Advocate, has caused appearance on behalf of the respondents and submits that let the mesne profits be fixed @ ₹ 55,000/- per month itself and the order passed by the appellate authority dated 20.10.2015 be modified accordingly. However, he submits that the appellate authority be directed to decide the appeal within a specified time.

That being so, the mesne profits for the demised premises are fixed @ ₹ 55,000/- per month, payable from the date of the order of eviction, passed by the Rent Controller. And, consequently, the order dated 20.10.2015 (Annexure P3) is modified. However, this order shall have no bearing, if indeed there is ever any occasion for assessment of mesne profits, post decision of the matter by the appellate authority

by this court. Appellate authority is requested to decide the appeal as expeditiously as possible.

December 3, 2015
Rajan

(Arun Palli)
Judge