

Sr. No.113

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

**COCF No. 2840 of 2016
Date of decision:9.11.2016**

Manju Singhal and another

.....Petitioners

versus

Anju Mittal Kumar and another

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Anurag Chopra, Advocate
for the petitioners.

Rakesh Kumar Jain, J.(Oral)

The petitioners herein filed a suit for possession against the respondents decreed by the trial court but reversed by the appellate court. The second appeal filed by the petitioners was admitted and at that time, direction was issued to the respondents(party in possession) to deposit the mesne profits as has been assessed by the Rent Controller at the rate of ₹10,000/- per month as an interim measure, subject to modification, during the pendency of the appeal alongwith the arrears due, within a period of two months otherwise, the appellants were held entitled to take the possession of the demised premises. The respondents were also directed to deposit the mesne profits on or before the 7th day of each month.

The petitioners have approached this Court invoking the provisions of Section 10 and 12 of the Contempt of Courts Act, 1971 for the alleged disobedience of the order dated 5.01.2016(Annexure P-1) on the ground that the respondents have failed to deposit the mesne profits on or before the 7th day of each month and therefore, they are liable to be punished.

In my considered opinion, this petition is not maintainable in its present form as the direction issued to the respondents to remain in possession was subject to deposit of mesne profits on or before the 7th day of each month and in case of their failure, they were liable to be dispossessed from the demised premises for which the petitioners have filed the suit. To my mind, the remedy lies somewhere else but for filing contempt petition.

In view thereof, the present petition is hereby disposed of.

Dismissed.

9th November, 2016

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No