

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2517 of 2016 (O&M)

Date of decision:22.10.2016

Mohini Sodhi

... Petitioner

Vs.

Sudhir Gupta and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. G.S.Bal, Senior Advocate with
Ms. Manju Sharma, Advocate
for the petitioner.

Mr. Sudhir Gupta – respondent No.1 in person.

Mr. K.B.S.Mann, Advocate
for respondent No.2.

AMIT RAWAL J. (Oral)

Petitioner-plaintiff is aggrieved of the impugned order dated 17.08.2015, whereby, the application for determination of the mesne profits for use and occupation charges by respondent/defendant No.1, who, according to the petitioner, is none-else but alleged trespasser in a suit seeking declaration, has been dismissed.

During the course of hearing, respondent no.1 submits that in pursuance to the order passed by this Court on 27.09.2016, a sum of ₹7,60,000/- has been deposited as arrears of rent in this Court, vide receipt No.1343 dated 06.10.2016.

Mr. G.S.Bal, learned Senior Counsel assisted by Ms. Manju

Sharma, Advocate appearing on behalf of the petitioner-plaintiff submits that in the aforementioned suit, the petitioner-plaintiff has already concluded the evidence and the matter is slated for defendants' evidence and he would not be pressing the application aforementioned, in case a direction is issued to the trial Court for expeditious disposal of the suit.

Mr. K.B.S.Mann, learned counsel for respondent No.2 submits that he is not averse to the expeditious disposal of the matter but an effective opportunity should be given for leading evidence.

I have heard learned counsel for the parties and appraised the paper book and of the view that the facts as noticed above, are not in controversy/controverted. Since the grievance of the petitioner-plaintiff is vindicated, the aforementioned amount deposited is ordered to be remitted back to the concerned Court within a period of one month and he shall also continue to pay the alleged rent during the pendency of the suit. The trial Court is directed to dispose of matter within a period of six months from the date of receipt of a certified copy of this order by giving an effective opportunity to the parties to lead evidence in this regard.

Revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

October 22, 2016
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No