

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

**RSA No.317 of 2016 (O&M)
Date of decision:05.02.2016**

Vishav Khera

... Appellant

Vs.

Pushpinder Bansal and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. Girish Agnihotri, Senior Advocate with
Ms. Divystuti Parsoon, Advocate and
Mr. Ishaan Bhardwaj, Advocate
for the appellant.

Mr. Akshay Jindal, Advocate
for the respondents.

AMIT RAWAL J. (Oral)

C.M.No.1397-C of 2016

The application is allowed, subject to all just exceptions.
Documents are taken on record.

RSA No.317 of 2016 (O&M)

This Court, vide order dated 28.01.2016, issued notice of motion only on the ground that mesne profit determined by the Courts below @ ₹2.50 lacs per month is phenomenal.

Mr. Girish Agnihotri, learned Senior Counsel assisted by Mr. Ishaan Bhardwaj, Advocate appearing on behalf of the appellant submits that his client would vacate the premises and hand over the possession within a period of 15 days, in case, except the mesne profits already paid @ ₹1,25,000/- upto September, 2015 as per the

order of the lower Appellate Court.

Mr. Akshay Jindal, learned counsel appearing on behalf of respondents No.1 to 3 submits that as per the mesne profits determined by the lower Appellate Court, almost ₹50.00 lacs is due.

I have heard learned counsel for the parties and appraised the paper book and am of the view that since the appellant-tenant is ready to surrender the possession within 15 days from today, the mesne profits @ ₹1,25,000/- per month upto September, 2015 stood already paid. The Landlord shall not press for the balance mesne profits and should be happy and satisfied as the possession is being handed over promptly.

The present appeal is accordingly disposed of with a direction that appellant shall hand over the vacant possession on or before 20th February, 2016 and the respondents shall not claim balance mesne profits, in essence, shall waive the mesne profits for the months of October, November, December, 2015 and January, 2016. However, appellant shall pay agreed rate of rent for the aforementioned months.

In view of the aforementioned observations, order of vacation is affirmed with the modification vis-a-vis mesne profits.

(AMIT RAWAL)
JUDGE

February 05, 2016
savita