

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

**Civil Revision No.2305 of 2015 (O&M)
Date of Decision: 09.11.2017**

Mohinder Pal

..... Petitioner

Versus

Radha Rani

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Atul Jain, Advocate for the petitioner.

Mr. Surinder Singh Duhan, Advocate for the respondent.

JASWANT SINGH, J. (ORAL)

The present revision is directed against the order dated 19.03.2015, passed by the Appellate Authority, Jalandhar, whereby the execution of the eviction order dated 31.07.2014, passed by learned Rent Controller, Jalandhar was ordered to be stayed in the pending appeal, filed by the petitioner/tenant, subject to the deposit of arrears of rent and payment of mesne profits at the rate of ₹ 4,000/- per month from the date of ejectment order.

This Court, vide order dated 21.04.2015, issued notice of motion and the same reads as under:-

“ CM-8068-CII-2015

This is application under Section 151 CPC for placing on record certified copy of Ex.R-1 as Annexure P-10.

For the reasons mentioned in the application, the same stands allowed and Annexure P-10 which is already on file is ordered to be taken on record.

CM stands disposed of accordingly.

CR-2305-2015

Learned counsel for the petitioner submits that the tenant has denied relationship of landlord and tenant between the parties from the very beginning. The learned Rent Controller, Jalandhar has wrongly recorded finding that respondent is liable to be evicted on the ground of

non-payment of rent and personal necessity. Appeal against this judgment is pending before the learned Appellate Authority, Jalandhar who has also wrongly assessed mesne profit despite the fact that the tenant has denied the relationship of landlord and tenant.

Notice of motion returnable for 23.07.2015.

In the meanwhile operation of impugned order is stayed subject to depositing of 50% of the mesne profit as has been assessed by the learned Appellate Authority, Jalandhar within 21 days from today subject to outcome of the rent appeal. ”

At the time of hearing, learned Counsel for the petitioner submits that the present revision has become infructuous as learned Appellate Authority, vide order dated 29.01.2016, has since dismissed the appeal of the petitioner/tenant.

At this stage, learned Counsel for the respondent/landlord points out that the petitioner/tenant has filed Civil Revision No.2175 of 2016 against the aforesaid concurrent judgment of eviction, wherein a conditional stay of dispossession has been granted, vide order dated 09.05.2016 and the petitioner/tenant has deliberately violated the interim order by not depositing any arrears of mesne profits or payment of rent. He, however, does not dispute that qua the said violation, he has a remedy of enforcing the eviction order before the Executing Court concerned by proving the violation of the interim order dated 09.05.2016, passed by this Court in Civil Revision No.2175 of 2016.

In view of the above, the present petition is disposed of as infructuous.

Since the main petition stands disposed of as infructuous, the pending applications, if any, shall also stand disposed of.

November 09, 2017
Gagan

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No