

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

**Civil Revision No.4882 of 2015 (O&M)
Decided on : 15.03.2017**

Harpreet Singh Aulakh

... Petitioner

Versus

Vipin Kumar Aggarwal

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Pritam Saini, Advocate
for the petitioner.

Mr. Arvind Mittal, Advocate
for the respondent.

G.S. Sandhawalia, J. (Oral)

The challenge by the petitioner-tenant is to the order dated 14.05.2014 (Annexure P-1) passed by the Appellate Authority, Chandigarh.

While deciding the applications for mesne profits and for staying the eviction order certain conditions were imposed by the Appellate Authority. The mesne profits @ ₹23,000/- was held to be payable by the tenant from the date of the order of the eviction order i.e 31.01.2015 (Annexure P-2). The landlord was given the right to withdraw the amount, subject to adjustments, in case the appeal of the tenant was allowed. Further direction was made that amount of arrears of rent prior to the order of eviction shall be deposited in the bank and shall remain as such till the decision of the appeal and shall only be released upon the decision of the appeal.

It is the case of the petitioner himself that an application for modification has also been filed of the said order (Annexure P-1/A).

Counsel for the respondent-landlord has pointed out that the

reply of the said application was filed on 15.07.2015 and thereafter, an order was passed on 24.07.2015, whereby the petitioner had taken the time to deposit the rent, which was to be deposited by 25.08.2015. It is submitted that, thereafter, this Court was approached and an interim order was passed on 05.08.2015, on the ground that the tenant had already paid the arrears of rent as directed by the judgment and decree of Civil Court dated 07.02.2015 by way of demand draft (s).

Mr. Saini could not show that any such argument was raised before the Appellate Authority regarding the issue of the payment as per orders of the Civil Court at the time when the application for mesne profits and the stay application was being decided by the Appellate Authority.

Since, the petitioner has already filed an application for modification, this Court feels that the present revision petition is without any basis, since the matter is still pending before the Appellate Authority.

It is also stated that the case is fixed for 16.03.2017 before the Appellate Authority. Accordingly, the present revision petition is disposed of with liberty to the petitioner to seek his redressal before the said Appellate Authority. The Appellate Authority shall decide the application expeditiously within a period of two months.

MARCH 15, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No