

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

CR No. 6572 of 2016 (O&M)

Date of decision : 25.09.2017

United India Insurance Co. Ltd. And another

...Petitioners

versus

M/s Hotel Gulmor and others

...Respondents

CR No. 7011 of 2016 (O&M)

M/s Hotel Gulmor and others

...Petitioners

versus

United India Insurance Co. Ltd. And another

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA.

Present : Mr. D.R. Bansal, Advocate
for the petitioners-tenants.

Mr. Kamaljit Singh, Senior Advocate with
Mr. Vaibhav Sehgal, Advocate
for the respondents-landlord.

RAJIV NARAIN RAINA, J. (ORAL)

1. This order will dispose of two revisions captioned above, the first by tenant for setting aside the order of assessment of mesne profits while the second by landlord for increase.

2. Heard learned counsel for the parties at some length.

3. There is no doubt that the demised premises is a commercial premises in property known as Gulmohar Hotel situated in a locality which is a hub of Ludhiana City and rents are sky high. The

learned Appellate Court has assessed the mesne profits at ₹ 2, 10,000/- per month. The tenant is the petitioner United India Insurance Company which is an authority of the State.

4. By an interim order dated 30.09.2016 this Court has passed ex-parte order staying the mesne profits beyond 25%.

5. I have heard parties on the stay matter. The appeal is pending and is likely to take some time before the Appellate Authority at Ludhiana to mature for final disposal and in the event of dismissal of the appeal, it may become arduous for the landlord to recover mesne profits as assessed by the Appellate Authority and therefore, to preserve the corpus mesne profits for the result of litigation.

6. On a due consideration of the matter and upon hearing counsel it is deemed fit and appropriate to direct that the entire arrears of mesne profits and future payments as assessed be deposited by the petitioner tenant in CR No. 6572 of 2016 before the Appellate Authority or as directed by the said authority to be kept in an interest bearing fixed deposit account maintained in a nationalized Bank till the disposal of the appeal so that it stands preserved to quit as per final orders. Accordingly, arrears of mesne profits be deposited within one month from the date of communication of the certified copy of this order before the Appellate Authority/Rent Controller in the above terms.

7. Accordingly, the mesne profits shall be deposited by the petitioner by the 10th day of every calendar month in the above

arrangement and the arrears be paid within one month. However, the agreed rent obtaining before the date of the eviction order by the Rent Controller and the same will be paid regularly to the respondent landlord directly by the 10th day of every calendar month. A single default will result in immediate eviction orders even pending appeal.

8. With these observations and directions both the civil revisions stand disposed of.

(RAJIV NARAIN RAINA)
JUDGE

September 25, 2017

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Whether speaking/reasoned : Yes

Whether reportable : No