

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.113

C.R. No.7209 of 2017

Date of decision: 01.11.2017

Satpal (deceased) through his LRs and another

....Petitioners

versus

Ranjit Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. M.S. Atwal, Advocate
for the petitioners.

Mr. Ram Parkash Dhir, Advocate
for the contesting respondent No.1.

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DEEPAK SIBAL, J. (Oral)

The contesting respondent No.1-landlord had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 seeking therein the eviction of the petitioners from the tenanted premises. Such petition through order dated 19.04.2016 was allowed by the Rent Controller, Hoshiarpur, against which the petitioners filed an appeal before the Appellate Authority, Hoshiarpur, which is still pending. During the pendency of the appeal, arrears of rent as also mesne profits were determined by the Appellate Authority, Hoshiarpur. While the petitioners deposited the arrears of rent, the mesne profits were not deposited within the

stipulated period leading to the issuance of warrants of possession. Challenging the issuance of warrants of possession, the present petition has been preferred.

On 13.10.2017, when the matter came up for preliminary hearing, learned counsel for the petitioners had submitted that petitioner No.1 is a widow who is feeding herself and the other petitioners who are dependent on her from the meagre earnings from the tenanted premises and that the determined amount of mesne profits was over Rs.1.25 lakhs which was a huge amount for the petitioners. Due to the afore reasons there were delay of about two weeks in the deposit of the assessed mesne profits. It was further submitted that the entire mesne profits as determined by the Appellate Authority, Hoshiarpur, would be deposited by the petitioners on or before 17.10.2017.

Notice of motion was issued to the respondent and subject to the petitioners' depositing the due mesne profits on or before 17.10.2017, their dispossession from the tenanted premises was directed to be stayed.

In response to the notice issued, Mr. Ram Parkash Dhir, Advocate, appears on behalf of the contesting respondent and admits that the due mesne profits have been deposited by the petitioners on 16.10.2017. He further submits that the appeal filed by the petitioners against their eviction order passed by the Rent Controller, Hoshiarpur, is now fixed for final arguments on 03.11.2017.

Keeping in view the afore-noted hardships faced by the petitioners as also for the reason that the mesne profits which were due have been deposited by the petitioners, I am of the opinion that the ends of justice would be served in condoning the delay of 02 weeks in the deposit of the

mesne profits determined by the Appellate Authority, Hoshiarpur. Resultantly, the impugned order dated 10.10.2017 is set aside. It is further directed that the petitioners shall continue to deposit the determined mesne profits for the period that they occupy the tenanted premises during the pendency of their appeal.

The petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

November 01, 2017

Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No