

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

**Sr. No.118**

**C.R. No.7958 of 2017 (O&M)**

**Date of decision: 14.11.2017**

Suresh Kumar Verma

....Petitioner

versus

Ramesh Chand

....Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. Saurabh Dalal, Advocate  
for the petitioner.

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**DEEPAK SIBAL, J. (Oral)**

The respondent-landlord through a petition filed under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973, had sought the ejectment of the petitioner-tenant from the shop bearing House Tax Unit No.231-D/11, as per assessment register of MC, Hansi for the year 1999-2000 situated at Goyal Market, Inside Barsi Gate, Hansi (for short the 'tenanted premises').

Through an order dated 08.09.2017 such petition was allowed by the Rent Controller, Hansi, against which the petitioner preferred an appeal before the Appellate Authority, Hisar, which is pending. At the time of consideration of the petitioner's plea before the Appellate Authority for staying his dispossession during the pendency of the afore-referred appeal, the respondent-landlord preferred an application seeking determination of mesne profits to be deposited by the petitioner. Through order dated 31.10.2017 which is impugned in the present petition, the Appellate

Authority directed the parties to lead cogent evidence so that the mesne profits could be assessed and in the meanwhile by way of an interim measure, the petitioner was directed to deposit ₹5000/- per month as mesne profits which were subject to adjustment at the time of final determination of the mesne profits. Subject to such deposit the execution of the eviction order was stayed.

Learned counsel for the petitioner submits that the determination of mesne profits at the rate of Rs.5000/- per month was on the higher side and without any basis. He, therefore, seeks setting aside of the impugned order to that extent.

The above submission made by learned counsel for the petitioner at this stage does not merit acceptance.

A perusal of the impugned order shows that through the same ₹5000/- has been determined to be deposited as mesne profits only as an interim measure and only till the time the final assessment of mesne profits is done for which the parties have been granted time to lead cogent evidence. The arrangement made through the impugned order being purely an interim arrangement at this stage warrants no interference especially when it has been directed in the impugned order itself that the amount deposited as an interim measure is subject to adjustment as and when the mesne profits are finally determined.

In view of the above, the present petition is found to be premature.

The apprehension expressed by learned counsel for the petitioner that it would take a long time to finally determine the mesne

profits is found to be misconceived as there is nothing on record to that effect. However, a speedy decision would not be to the prejudice of either parties. Therefore, the Appellate Authority, Hisar, is requested to take a final decision with regard to the determination of mesne profits expeditiously, of course, after granting adequate opportunity to both parties.

Learned counsel for the petitioner further submits that the mesne profits so assessed through the impugned order were required to be deposited by 14.11.2017. However, since the present petition had been preferred by the petitioner and he was sanguine that he may get relief in the same, he did not make the deposit. He prays that he be granted a further period of three days to make the deposit in terms of the order impugned before this Court.

The prayer made by learned counsel for the petition is found to be reasonable and therefore, the petitioner is granted three days from the date of receipt of a certified copy of this order to deposit the mesne profits in terms of the order dated 31.10.2017 passed by the Appellate Authority, Hisar.

The petition stands dismissed in the above terms.

**(DEEPAK SIBAL)**  
**JUDGE**

**November 14, 2017**

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*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*