

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

C.R No. 2154 of 2018

Date of decision : October 01, 2018

Neelam Kaur

..... Petitioner

v.

Jagjit Singh (dead) through LRs

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Satpreet Grewal, Advocate
for the petitioner.

Mr. Dinesh Nagar, Advocate
for the respondent.

Ajay Tewari, J (Oral)

On 7.5.2018, the following order was passed :-

“ This petition has been filed against the fixation of mesne profits.

After arguing for some time, counsel for the petitioner has restricted her prayer only to two accounts. As per her, the appellate authority has directed the tenant to pay the entire amount to the landlord whereas in terms of the judgment of this Court in the matter of *Angoori Devi and others vs. Smt. Satya Bhama, (2016) 1 RCR (Rent) 588* only the contractual rent has to be handed over to the landlord while the remaining amount has to be deposited in the fixed deposit. I find that this is indeed so. The second contention raised by the counsel is that the period of 15 days given to the tenant to pay this huge amount is also unreasonable.

Notice of motion.

Let the respondents be served through their counsel in the Executing Court by way of dasti process. *Dasti only.*

To come up on 18.05.2018.

To be shown in the urgent list.”

Counsel for the respondent-landlord states under the guise of the aforesaid order, the petitioner has not even paid the admitted rent which is ₹ 2100/- per month since the date of eviction, and that amount should be deposited by the her without any fault if she intends to enjoy the stay order.

I find some merit in the contention of both the learned counsel.

In the circumstances, the petitioner is granted 15 days time to pay the entire arrears of admitted rent from July 2016 till 31.10.2018 to the respondent. She is directed to deposit the remaining amount of ₹ 1900/- per month upto 31.12.2019 with the appellate Court on or before 31.12.2018. The appellate Court shall put this amount in a fixed deposit in any nationalized bank. Apart from that, the petitioner shall continue to pay the future rent and the amount of mesne profits by the 7th of every month in advance. In terms of the decision in Angoori Devi and others' case (supra) the amount of the admitted rent would be released to the respondent and the amount of mesne profits would be put in a fixed deposit in any nationalized bank. This petition stands disposed of accordingly.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

October 01, 2018
'kk'

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No