

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

1. Civil Revision No.3363 of 2018(O&M)
Date of Decision: July 17 , 2018.

Gurdip Singh Narula and another PETITIONER(s)

Versus

Parveen Duggal and another RESPONDENT (s)

2. Civil Revision No.3364 of 2018 (O&M).

Gurdeep Singh Narula PETITIONER(s)

Versus

Rakesh Kumar Duggal RESPONDENT (s)

3. Civil Revision No.3572 of 2018(O&M).

Parveen Duggal and another PETITIONER(s)

Versus

Gurdip Singh Narula and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. V.Kamaraj, Senior Advocate with
Mr. Charanjit Singh Bakhshi, Advocate
for the petitioners in CR No.3363 and 3364 of 2018.

Mr. Chetan Mittal, Senior Advocate with
Mr. Kunal Mulwani, Advocate
for the petitioner in CR No.3572 of 2018 and
for the respondents in CR No.3363 of 2018.

Mr. Anand Chhibber, Senior Advocate with

Mr. Lalit Thakur, Advocate and
Mr. Vaibhav Saini, Advocate
for the respondent in CR No.3364 of 2018.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This order shall dispose of Civil Revisions No.3363 and 3364 of 2018 filed by the tenant and Civil Revision No.3572 of 2018 filed by the landlord impugning order dated 11.04.2018 passed by the learned Appellate Authority, Chandigarh whereby the mesne profits to the tune of ₹3,25,000/- per month have been assessed from the date of passing of the eviction order i.e., 23.10.2017 in respect to the demised premises i.e., SCF No.15, ground floor, front portion, Sector 22-D, Chandigarh. The petitioner-tenant seeks reduction in the said rent, whereas the landlord seeks enhancement of the amount assessed.

Eviction of the tenant from the abovesaid premises was ordered by the learned Rent Controller on 23.10.2017. Appeal against order dated 23.10.2017 was filed by the tenant and is pending before the Appellate Authority, Chandigarh. It was directed by the learned appellate Authority vide order dated 11.04.2018 that eviction of the tenant shall remain stayed during the pendency of the appeal subject to deposit of mesne profits assessed. The relevant part of the impugned order dated 11.04.2018 passed by the learned Appellate Authority, Chandigarh reads as under:-

“..... The amount of Rs.3.25 lacs per month (minus agreed rent)

fixed by this Authority shall be deposited by the appellant-tenant by way of fixed deposit carrying maximum rate of interest in a nationalized bank/or shall be deposited in the court of learned Rent Controller in favour of applicant and the said amount alongwith accrued interest (in case it is deposited in bank) shall be paid after the final disposal to either side depending upon the result of the case. Applicant will not withdraw the amount deposited in terms of FDRs till the decision of instant appeal. The operation of the impugned ejectment order is stayed subject to the condition that the appellant/tenant shall deposit the arrears of mesne profits w.e.f. the date of passing the eviction order i.e. 23.10.2017 till date on or before 25.05.2018 and further appellant-tenant shall continue to deposit the future monthly mesne profits by 10th day of each calender month.”

During the course of proceedings, the parties have arrived at a consensus that instead of ₹3,25,000/- per month, the tenant shall deposit mesne profit at the rate of ₹2,00,000/- per month (less the agreed rent). The petitioner-tenant, who is present in Court, has agreed that arrears of mesne profits at the abovesaid rate shall be deposited by him within three months from today i.e., by 17.10.2018.

With the consent of parties, all the three revision petitions are disposed of in the following terms:-

- i) The tenant shall deposit a sum of ₹2,00,000/- per month (minus agreed rent) as mesne profits in the same terms as ordered by the learned Appellate Authority vide impugned order;
- ii) Arrears of the mesne profits at the abovesaid rate w.e.f. the date

of passing of the eviction order dated 23.10.2017 till July 2018 shall be deposited by the tenant by 30.10.2018;

iii) The tenant shall thereafter continue to deposit the mesne profits at the rate of ₹2,00,000/- per month by the 10th of the each month w.e.f. August, 2018;

iv) An undertaking of the tenant in this regard be filed before this Court within one week.

v) Eviction of the tenant shall remain stayed subject to the above.

Needless to say, the consensus/settlement which has been arrived at between the parties in respect to the mesne profits is without prejudice to the rights of either of the parties before the learned Appellate Authority and shall have no bearing on the merits of the pending appeal.

All the three revision petitions are accordingly disposed of.

July 17, 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No