

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

CR No. 6204 of 2017(O&M)

Date of decision: 5.7.2018

Davinder Kumar

....Petitioner

VERSUS

Harmohinder Pal and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Mohit Jaggi, Advocate for the petitioner.

Mr. Vishal Sodhi, Advocate for respondent No.1.

REKHA MITTAL, J.(Oral)

The present petition directs challenge against order dated 22.08.2017 passed by the Appellate Authority under the Rent Act whereby in appeal against eviction order dated 04.05.2017 passed by the Rent Controller, Hoshiarpur, the Appellate Authority has assessed mesne profits at the rate of Rs.20,000/- per month.

Counsel for the petitioner would state that there is a serious dispute between the parties with regard to relationship of landlord and tenant between them as the petitioner claims himself to be owner of the property in question. However, he has fairly conceded that without prejudice to right of the petitioner claiming himself to be owner of the suit property, he is ready to deposit mesne profits at the rate of Rs.20,000/- per month from the date of passing of the eviction order but the same may be

converted into a Fixed Deposit payable to the successful party subject to outcome of the appeal pending before the Appellate Authority.

Counsel for the contesting respondent has got no objection if the petition is disposed of in the aforesaid terms.

In view of the above, present petition stands disposed of. Without prejudice to right of the petitioner in the pending appeal and civil litigation claiming himself to be owner of suit property, the petitioner shall deposit mesne profits at the rate of Rs.20,000/- per month in terms of order passed by the Appellate Authority but the same shall be converted into a Fixed Deposit payable to the successful party subject to outcome of the appeal pending before the Appellate Authority. He shall continue depositing mesne profits with the Appellate Authority in the aforesaid terms.

JULY 5, 2018

‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no