

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM No.2257-CII-2018 in/and
CR No.706 of 2018 (O&M)
Date of Decision : 12.03.2018

Chhatter Pal Chawla (now deceased) through
his LRs.

..... Petitioners

Versus

Vinod Kumar and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. S.K.Kaushik, Advocate for the petitioners.

AJAY TEWARI, J. (Oral)

CM No.2257-CII-2018

This is an application for bringing on record the legal heirs of
the deceased-Sh.Chhatter Pal Chawla-petitioner.

For the reasons recorded, the application is allowed subject to
all just exceptions. Persons mentioned in para No.2 of the application are
impleaded as LRs of the deceased-petitioner. Amended memo of parties is
taken on record. Registry is directed to make necessary correction in the
memo of parties.

CR No.706 of 2018

This petition has been filed against the order of the appellate
authority fixing mesne profits @ Rs.3,500/-.

Learned counsel has argued that the appellate Court granted a
period of 45 days to clear the arrears but unfortunately 3 days after the order

the original tenant-Chhatter Pal Chawla had died and therefore, he seeks an extension to deposit the amount. The further error which has been pointed out by him is that the appellate Court has not directed that the amount of mesne profits be deposited but has simply said that it should be paid and as per the judgment in *Angoori Devi and others vs. Smt. Satya Bhama, reported as 2016(2) Law Herald (P&H) 1200* the amount could not be paid to the respondents.

I find merit in the submissions and consequently extend the time to make the payment of the arrears upto 31.03.2018. Out of the arrears the amount of contractual rent @ Rs.650/- per month would be handed over to the landlord-respondents and the remaining amount would be put in a fixed deposit. In future also out of the amount deposited only the contractual rent will be handed over to the landlord-respondents and the remaining amount would be put in a recurring deposit in any nationalized bank. The amount in the deposit would await the decision of the main appeal.

The revision petition is disposed of in the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

12.03.2018
Pooja sharma-I

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No