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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.3820 of 2018

Date of Decision: 31.01.2019

Naresh Kalra

..... Petitioner

Versus

Kanti Chander Sen and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Deepak Sharma, Advocate,
for the petitioner.

Mr. Gaurav Mohunta, Advocate, and
Ms. Preeti Aggarwal, Advocate,
for respondent No.1.

Mr. Amit Rana, Advocate, for
Mr. Tejpal Singh Dhull, Advocate,
for respondent No.2.

SUDIP AHLUWALIA, J. (ORAL)

Perused Annexure P-4, which happens to be copy of the original Execution Application, in which it is mentioned that Rent Appeal No.4 of 2009 was filed by the present petitioner (JD No.1). However, the position so disclosed in the Execution Application is factually incorrect, since the aforesaid Appeal was actually filed by JD No.2 – Sunder Lal Kalra, and the present petitioner was only a proforma party in the said Appeal. It is further ascertained that possession of the demised premises was taken by the landlord actually from Sunder Lal Kalra and undoubtedly

not from the present petitioner. To that extent, therefore, execution of the order for mesne profits against him would not appear to be justified.

2. For the aforesaid reasons, the present revision petition succeeds and the impugned order qua the present petitioner alone is set aside.

31.01.2019

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No