

CR No.4913 and 4571 of 2018 (O&M) 1

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

**CR No.4913 of 2018 (O&M)
Date of Decision: 30.09.2019**

Surinder Kaur

..... Petitioner

Versus

M/s Arun Shoe Store and others

..... Respondents

AND

CR No.4571 of 2018 (O&M)

M/s Arun Shoe Store and others

..... Petitioners

Versus

Surinder Kaur

..... Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Divanshu Jain, Advocate
for the petitioner (in CR No. 4913 of 2018 and
for the respondent (in CR No. 4571 of 2018)

Mr. Kunal Mulwani, Advocate
for the petitioners (in CR No. 4571 of 2018) and
for the respondents (in CR No. 4913 of 2018)

LISA GILL, J.(oral)

These petitions have been filed by the landlord as well as the tenant
challenging order dated 25.05.2018, passed by the learned Appellate Authority,

Chandigarh, whereby the tenant has been directed to pay a sum of ₹60,000/- per month as *mesne* profits.

CR No. 4913 of 2018, has been filed by the landlady, seeking enhancement of the *mesne* profits as assessed by the learned Appellate Authority, Chandigarh and CR No. 4571 of 2018, has been filed by the tenant seeking reduction thereof.

The relevant direction of the learned Appellate Authority, Chandigarh, directing deposit of *mesne* profits at the rate of ₹60,000/- per month, reads as under:-

“The tenants-appellants have to deposit the amount of mesne profits Rs.60,000/- with effect from 15.09.2017 till date, within two months from today. Out of this, amount of rent of Rs.3750/- has to be paid to the applicant-landlady and balance amount has to be deposited by the appellants-tenants by way of fixed deposit in Nationalized Bank carrying maximum rate of interest and the said amount along with accrued interest shall be paid after the final disposal to the either side depending upon the result of the case. The operation of the impugned ejectment order is stayed subject to the condition that appellants-tenants shall deposit the arrears of rent/mesne profits with effect from date of order I/e. 15.09.2017 till date within two months from today and further appellants-tenants shall continue to pay/deposit the future monthly rent/mesne profits up to 10th of each calender month in the aforesaid manner.”

Learned counsel for the parties submit that the matter has been amicably resolved between the parties. It is agreed that the *mesne* profits as directed by the learned Appellate Authority, Chandigarh, vide impugned order dated 25.05.2018, shall be accepted by both the parties.

This Court vide order dated 24.07.2018, in CR No. 4571 of 2018, while issuing notice of motion, had directed that eviction of the petitioner from the demised premises would remain stayed subject to deposit of *mesne* profits at the rate of ₹45,000/- per month instead of ₹60,000/-. Mr. Kunal Mulwani, Advocate, on instructions from his client present in Court submits that the tenant, in this case agrees to make good the deficiency of ₹15,000/- for the said period within six months from today. He further agrees to deposit the *mesne* profits in future at the rate of ₹60,000/- in terms of the impugned order dated 25.05.2018 passed by the learned Appellate Authority, Chandigarh.

In view of the above, the petitioner(s) in both the revision petitions, seek to withdraw their respective petitions.

Both the petitions are accordingly dismissed as withdrawn.

30.09.2019
s.khan

(Lisa Gill)
Judge

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No