

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

(1) CR No. 536 of 2018 (O&M)
Date of decision: 26.8.2019

Satinder Mohan Singh and another

...Petitioners

Versus

Sh. Sajjan Kumar Banal and another

...Respondents

(2) CR No. 734 of 2018 (O&M)

Sh. Sajjan Kumar Banal

...Petitioner

Versus

Satinder Mohan Singh and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Divanshu Jain, Advocate,
for the petitioners in CR 536 of 2018 and
for respondents No. 1 and 2 in CR 734 of 2018.

Mr. Avnish Mittal, Advocate,
for the petitioner in CR 734 of 2018 and
for respondent No.1 in CR 536 of 2018.

JAISHREE THAKUR, J.

These petitions have been filed seeking to challenge the order passed by the Appellate Authority dated 9.1.2018, assessing the mesne profit to be paid at the rate of ₹25000/- per month for the shop in dispute. Both the parties, namely the tenants and the landlords were aggrieved against the said assessment which led to the filing of the instant two revision petitions.

When the matter was taken up today, both the learned counsel for the parties inform this Court that during the pendency of the instant revisions in this Court, the Appellate Court has decided the Rent Appeal itself on 9.7.2019, in favour of the tenants, while setting aside the order of eviction passed by the Rent Controller.

In view of the above statement, both these revisions filed challenging the order of assessment of mesne profit have been rendered infructuous. Ordered accordingly.

At this stage, learned counsel for the tenants submits that the tenants are entitled to withdraw the mesne profits so deposited, in terms of the judgment rendered in **M/s Atma Ram Properties (P) Ltd. Vs. M/s Federal Motors Pvt. Ltd. 2005 (1) Supreme Court Cases 705.**

In view of the judgment in M/s Atma Ram Properties (Supra), the amount of rent deposited would be disbursed to the landlords and the mesne profits would be reimbursed to the tenants.

Both the revisions stand disposed of accordingly.

26.8.2019
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No