

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

**Civil Revision No.1889 of 2019 (O&M)
Date of Decision: 02.04.2019**

Rakesh (since deceased) through his legal heirs and others

..... Petitioners

VERSUS

Reshmi Devi and others

..... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Mohit Malik, Advocate
for the petitioners.

Mr. Ameet Awasthi, Advocate
for the respondents.

JAISHREE THAKUR, J.(Oral)

1. This is a revision petition that has been filed seeking to challenge the order dated 05.09.2018 passed by Addl. District Judge, Chandigarh whereby the petitioners herein had been directed to deposit mesne profit.
2. Learned counsel appearing on behalf of the petitioners herein would contend that a suit for possession and recovery of damages/ mesne profits was being contested by Rakesh (since deceased), however, on account of miscommunication and death of a family member, the said mesne profit was not deposited within time.

3. Appearance has been caused by Mr. Ameet Awasthi, Advocate, by filing power of attorney on behalf of the respondents. He, however, contends that sufficient opportunities and time was allowed to the petitioners herein to deposit the said mesne profit, however, on failure to do so extension was also allowed which again was not complied with and, therefore, the Executing Court has rightly issued warrants of possession. It is also submitted that the appeal is pending before the Addl. District Judge, Chandigarh against the suit that had been decreed in favour of the respondents.

4. I have heard learned counsel for the parties and have perused the pleadings of the case.

5. Apparently, there was miscommunication between the counsel and the parties through counsel concerned, leading to non-deposit of the mesne profit as assessed by the Appellate Court. In the interest of justice and keeping in view that the appeal is likely to be heard within the month of April, 2019 itself, this Court deems it appropriate to enlarge the time to deposit the mesne profit with the Executing Court. This order is being passed in the presence of counsel for both the parties. Let the mesne profit be deposited on or before 08.04.2019. It is made clear that in case the said mesne profit is not deposited within the time stipulated, the Executing Court would be at liberty to proceed with the matter. The proceedings before the Executing Court are deferred till 08.04.2019. The orders of the Appellate Authority in terms of the mesne profit be complied with.

6. This revision petition stands disposed of accordingly.

02.04.2019

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.