

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.4229 of 2019(O&M)
Date of Decision: 11.07.2019.

Mukesh Sudhir

.....Petitioner

Versus

Vanish Sood

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Ashu Kaushik, Advocate
for the petitioner.

LISA GILL, J(Oral).

Prayer is for issuance of directions to learned Additional District Judge, Kapurthala, for expeditious decision of the appeal titled as “Mukesh Sudhir Vs. Vanish Sood” as well as application under Order XLI Rule 5 read with Section 151 of CPC, for staying the operation of order dated 08.02.2019 (Annexure P-2) filed by the petitioner.

It is submitted that ejectment of the petitioner from the demised premises was ordered by the learned Rent Controller, Phagwara, vide order dated 08.02.2019. An appeal has been preferred by the petitioner, which is pending before the learned Appellate Authority, Kapurthala. An application seeking stay of dispossession has been filed by the petitioner and an application for *mesne* profits at the rate of ₹20,000/- per month on account of use and occupation of the shop in question, has been preferred by the respondent-landlord. Reply to the application for *mesne* profits stands filed by the present petitioner. It is further contended that the learned Appellate Authority, Kapurthala, has not decided the application for stay or that of *mesne* profits and the matter is hanging fire since 02.04.2019, after the respondent-landlord appeared in this matter before the learned Appellate Authority, Kapurthala. The matter has now been adjourned to 17.09.2019. In

execution proceedings, warrant of possession has been issued for 24.07.2019.

Learned counsel for the petitioner submits that the petitioner only seeks decision of his application for stay in an expeditious manner so that his remedy of appeal, is not rendered infructuous.

Keeping in view the limited prayer addressed, it is considered appropriate to dispose of this petition, without issuing notice to the respondents to obviate any further delay and avoid unnecessary litigation expenses to the opposite side. In case, an appropriate application is moved by the petitioner before the learned Appellate Authority, Kapurthala, within one week of receipt of certified copy of this order, the matter regarding stay as well as *mesne* profits pending for 17.09.2019, be preponed and the said applications be decided expeditiously in accordance with law. Till then, dispossession of the petitioner from the demised premises, shall remain stayed. Needless to say, if necessary application is not moved by the petitioner, interim relief as above, shall not enure to the petitioner.

Petition is accordingly disposed of.

11.07.2019
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned	:	Yes/No.
Whether reportable	:	Yes/No.