

251-a IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-5976-2019 (O&M)
Decided on:-04.08.2023

Joginder Pal

....Petitioner

vs.

Pandit Manohar Lal Salwan HUF
thr. its Karta Brij Bhushan Salwan

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sunil Garg, Advocate,
for the petitioner.

Mr.Dinesh Arora, Advocate,
for the respondent.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition, challenge has been laid to an order dated 09.08.2019 passed by the learned Appellate Authority, Jalandhar, whereby, the interim stay granted in favour of the petitioner-tenant was vacated on account of non-payment of arrears of mesne profit.

2. On 23.09.2019, this Court passed the following order:-

“Relies on the decision of this Court in 'Usha Kwatra and others Vs. Smt. Sita Rani Chopra and others, 2015(5) R.C.R.(Civil)343' to contend that during pendency of the appeal, extension of time for payment of the expected mesne profit can be granted as was done in the said case. He further submits that the entire arrears upto the month of June 2019 had been cleared by way of depositing the demand drafts which is specifically referred to in the impugned order and that the subsequent payments have been deposited by way of drafts up till September 2019 in the Ld. Appellate

Court.

Notice of motion for 04.11.2019.

*To come up along with CR No. 1500 of 2019,
pending between the
same parties.*

*In the meantime, the petitioner shall not be evicted
from the demised premises till the next date of hearing.”*

3. Learned counsel for the petitioner submits that the arrears of mesne profit assessed by the Appellate Authority vide its order dated 28.10.2017 (Annexure P-1) will be cleared by the petitioner within 4 weeks from today, to which, learned counsel representing respondent has no objection.

4. In view of the statement made by learned counsel for the petitioner, 4 weeks time is granted to the petitioner to clear the arrears of mesne profit as determined vide order dated 28.10.2017, by the Appellate Authority. In the meanwhile, dispossession of the petitioner shall remain stayed. However, it is made clear that in case, the petitioner fails to clear the mesne profit within aforesaid period, the interim order shall stand vacated.

5. Considering the fact that the eviction petition in the present case was filed in the year 2013 and that too, on the ground of bonafide necessity, the Appellate Authority is requested to dispose of the appeal within a period of three months from today.

6. Accordingly, the present petition is disposed of in view of the aforesaid terms.

04.08.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No