

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

114

CR No. 7860 of 2019 (O&M)
Date of decision : 18.12.2019

Punjab National Bank

... Petitioner

versus

Sh. Ashok Goyal and Ors.

... Respondents

CORAM:- HON'BLE MRS. JUSTICE NIRMALJIT KAUR

Present: Mr. C.S. Pasricha, Advocate alongwith
Mr. Jagmohan Singh, Chief Manager and
Ms. Meenu Bhandari, Deputy. Circle Head.
for the petitioner.

Mr. Sangram Singh Saron, Advocate alongwith
Mr. Arun Goyal, respondent No.3-landlord
for the respondents.

NIRMALJIT KAUR, J (ORAL)

The present revision petition is filed against the impugned order dated 06.11.2019 passed by the Appellate Authority in the Rent Appeal No.193 of 2016 vide which the appeal against the order dated 31.03.2016 passed by the Rent Controller allowing the rent petition was dismissed.

After arguing for some time, learned counsel for the petitioner-tenant on instructions from Mr. Jagmohan Singh, Chief Manager and Ms. Meenu Bhandari, Deputy Circle Head, Punjab National Bank, who are present in the Court submitted that they will not press the present revision petition, in case, time for one year is granted to them to vacate the premises and the mesne profits deposited by them is refunded back. Learned counsel for the respondents on instructions from Mr. Arun Goyal-respondent No.3 on the other hand submitted that although they have no objection to grant of time to vacate the premises as prayed but were not agreeing to give up the mesne profits.

However, the matter was adjourned to enable the parties to think

over and seek instructions in view of the discussions held before this Court.

Today, both the parties are present alongwith their respective counsel. Mr. Sangram Singh Saron, learned counsel for the respondents on instructions from Mr. Arun Goyal-landlord stated that they are ready to give up only 40% of the mesne profits, subject to vacating of the premises within one year from today, to which, learned counsel for the petitioner on instruction from the Chief Manager-Punjab National Bank, who is present in the Court submitted that the petitioner-bank is ready to vacate the premises on or before 31st December 2020 as also for 60% of the mesne profits to be paid to the respondent-landlord alongwith interest as accrued on the fixed deposit.

In view of the above statements made by the learned counsel for the parties on instructions, the revision petition is disposed of as under:-

- a) The petitioner-bank shall not be dispossessed on or before 31st December 2020, subject to the undertaking before the trial Court within two weeks from today to the said effect i.e. by 31st December 2019.
- b) They shall continue to pay rent alongwith 60% of the mesne profits assessed by the Appellate Authority and confirmed by this Court vide order dated 07.03.2017 passed in Civil Revision No.1638 of 2017.
- c) The petitioner-Bank shall continue to pay the rent regularly on or before 10th of every month (Rs.1,25,000 + 60% of mesne profits of Rs.3,25,000) till they vacate as on before 31.12.2020.
- d) It is clarified that the taxes shall be borne by the respondent-landlord. The petitioner-tenant will be at liberty to deduct 10% TDS, in accordance with law.
- e) In case, the petitioner does not give the undertaking within two weeks from today as stated above, the respondents shall be at liberty to file an execution petition or pursue the same in case it is already pending.

f) In case, the petitioner-bank gives the undertaking within two weeks but does not vacate the premises on or before 31st December 2020 or violates any of the above conditions, the respondent-landlord once again will be at liberty to pursue the execution petition and also avail the remedy of contempt petition.

The amount in the Fixed Deposit shall be released to the petitioner-tenant forthwith to enable them to pay the same to the respondent-landlord as ordered above within 15days from the release of the same to the petitioner.

December 18,2019

manju

**(NIRMALJIT KAUR)
JUDGE**

Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No