

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

CR-113-2019 (O&M)
Date of decision : 27.02.2020

Sukhwinder Singh

...Petitioner

Versus

Jit Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Brij Mohan Vinayak, Advocate for the petitioner.

Mr. A.P.S. Sandhu, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

The tenant-petitioner has filed the present revision petition against the order passed by the Appellate Authority assessing the amount of mesne profits for use and occupation of the premises, since, learned Rent Controller has ordered his eviction.

Learned Appellate Authority assessed the amount of mesne profits for use and occupation of the shop at the rate of ₹10,000/- per month.

On 15.01.2019, following order was passed:-

“Learned counsel for the petitioner files the affidavit of the petitioner, which is taken on record.

Learned counsel for the petitioner would contend that the amount of mesne profit as assessed at the rate of ₹10,000/- per month is highly excessive, since similarly situated shops have been rented out at the rate of ₹5000/-

per month.

Notice of motion for 15.05.2019.

Notice re: stay as well.

In the meantime, the petitioner is directed to deposit the mesne profit at the rate of ₹5000/- per month.”

Keeping in view the fact that the appeal filed by the tenant-petitioner is pending before the Appellate Authority, this Court is of the considered view that ends of justice would be met, if the Appellate Authority is directed to decide the appeal, which is pending for more than 1½ years, within 2 months positively. In the meantime, the petitioner shall continue to deposit the mesne profits as already ordered vide order dated 15.01.2019.

This order would be without prejudice to the rights of the parties.

In view of the above, the present revision petition is disposed of.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

27.02.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No