

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

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CR No.2914 of 2021 (O&M)
DATE OF DECISION : 03rd DECEMBER, 2021

L/NK Pralhad Munde

.... Petitioner

Versus

Bimla Devi

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Nitish Bhatia, Advocate,
for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 18.10.2021 passed by the Appellate Authority, Panchkula, by which the application of the respondent-landlady for seeking direction to the tenant-petitioner to deposit the arrears of rent has been allowed.

It is submitted by the counsel for the petitioner that right from the beginning, the petitioner is claiming to have purchased the property on which the petitioner is stated to be the tenant. There has not been any record before the Rent Controller to show that the petitioner was inducted as a tenant on the property in question. It is further submitted that the appeal filed by the petitioner against the eviction order passed by the Rent Controller is pending before the Appellate Authority. The Appellate Authority has ordered that the petitioner/tenant is liable to pay the arrears of mesne profits within 45 days, with a stipulation that if the relationship of

tenant and landlord is not found between the parties, then the landlady shall refund the entire amount of mesne profits along with interest @ 6% per annum. Therefore, the dispute of tenancy relationship between petitioner and the respondent is yet to be assessed. However, the petitioner is being forced to make the payment to the respondent. The order could not have been passed by the Court below; unless the tenant and landlady relationship was already finalized. It is further submitted by the counsel for the petitioner that despite the order being non-sustainable, the petitioner would be willing to pay 50% of the amount awarded as mesne profits, if the Appellate Authority is directed to decide the appeal filed by the present petitioner within a specified time.

In view of the above submissions made by the counsel for the petitioner, this Court does not intend to go into the merits of the case as such. However, the present revision petition is disposed of with a direction to the Appellate Authority that if the petitioner deposits 50% of the awarded amount of mesne profits with the Appellate Authority within two weeks, then the appeal filed by the petitioner shall be disposed of within a period of two months from the date of receipt of certified copy of this order.

03rd DECEMBER, 2021
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(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>