

**CR-202 of 2020 (O&M)
and other connected case**

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

**CR-202 of 2020 (O&M)
Date of decision: 16.12.2022**

Vijay Singla and another

..Petitioners

Versus

Anubhav Sharma and others

..Respondents

CR-761 of 2020 (O&M)

Anubhav Sharma and others

..Petitioners

Versus

Vijay Singla and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.K.Goel, Advocate
for the petitioners (in CR-202 of 2020)
for the respondents (in CR-761 of 2020)

Mr. Divanshu Jain, Advocate
for the petitioners (in CR-761 of 2020)
for the respondents (in CR-202 of 2020)

ANIL KSHETARPAL, J(Oral)

1. This order shall dispose of Civil Revision No.202 and 761 of 2020.
2. On 13.01.2020, the following order was passed:-

“The petitioners have challenged the order dated 20.12.2019 whereby mesne profits have been assessed as Rs.70,000/- per month. Learned counsel for the petitioners contends that the mesne profits of the

premises are excessive. He prays for time to place on record the copies of the rent deeds which have been relied upon by the Rent Controller while passing the impugned order. Learned counsel undertakes that he shall clear the arrears of mesne profits at the rate of Rs.50,000/- per month by the next date of hearing.

Issue notice to the respondents returnable on 25.02.2020.”

3. It is evident that the dispute is with regard to the correctness of the assessment of quantum of the amount of mesne profits of the tenanted premises. The tenants have been ordered to be evicted by the Rent Controller, however, the first appeal before the Appellate Authority is still pending.

4. As an interim measure, the Court has assessed the mesne profits @ Rs.70,000/- per month, however, as per the interim order passed by this Court, the petitioners have deposited the mesne profit @ Rs.50,000/- per month. The first appeal is pending for more than last 2 years before the Appellate Authority.

5. The learned counsels representing the parties state that the case is now coming up for the final arguments on 23.01.2023.

6. Since, the order passed on 13.01.2020 has continued to operate for about 2 years, this Court does not find it appropriate to interfere in the aforesaid interim arrangement, particularly when the appeal is likely to be disposed of on 23.01.2023 or within a few days thereafter. It may be noticed that the landlords have filed a cross revision petition praying for the enhancement of the mesne profit.

7. Keeping in view the aforesaid facts, the revision petitions are disposed of by requesting the Appellate Authority to decide the appeal(s),

preferably within the month of January, 2023 but not later than February, 2023.

8. Needless to observe that this interim arrangement shall not be construed as the final determination of the amount of the mesne profit.

9. All the pending miscellaneous applications, if any, are also disposed of.

December 16, 2022
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(ANIL KSHETARPAL)
JUDGE

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