

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.655 of 2022(O&M)

Date of Order: 28.02.2022

Rajesh Kumari

..Petitioner

Versus

Urmila Jain and others

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vishal Aggarwal, Advocate
for the petitioner.

Mr. Akshay Jindal, Advocate
for the caveator-respondent-landlady

ANIL KSHETARPAL, J(Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The tenant calls in question the order passed by the Appellate Authority, Karnal, on 17.12.2021, while directing the petitioner to deposit the mesne profit for use and occupation of the demised premises @ Rs.12,000/- per month with effect from 29.04.2016, during the pendency of the an appeal.

The petitioner had been ordered to be evicted by the court of learned Rent Controller, Karnal, vide a judgment dated 29.04.2016. In an appeal, the petitioner has been granted interim protection.

The learned counsel representing the petitioner contends that the Appellate Authority had no jurisdiction to direct payment of mesne profits for a period more than 3 years. He further submits that the appeal is pending for nearly last 6 years therefore, let the same be decided by the

Appellate Authority within a short time.

Per contra, the learned counsel representing the landlord contends that the petitioner is not only delaying the decision of the appeal but is also not paying the market rent.

After having heard the learned counsels for the parties, this Court is of the considered opinion that the revision petition can be disposed of by directing the petitioner to immediately deposit the arrears of mesne profits for 3 years before the date of application i.e. 09.09.2021, within two weeks, from today.

Keeping in view the fact that the appeal filed by the petitioner is pending nearly for 6 years, as a result, the Appellate Authority is requested to decide the appeal positively within next three months, from today.

The question of liability to pay the amount of mesne profits beyond the period of 3 years from the date of order, is kept open and shall be finally decided by the Appellate Authority along with the appeal.

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

February 28th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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