

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

**Civil Revision No.1219 of 2022 (O&M)
Date of Decision: 01st April, 2022.**

Rakesh Kumar alias Gaba

...Revisionist-Petitioner

Versus

Dinesh Nagpal & Another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Mandeep Nagpal, Advocate,
for the revisionist-petitioner.

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MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the order dated 04.03.2022 (Annexure P-1) passed by the Appellate Authority, Ludhiana while assessing the mesne profits of the premises in dispute as Rs.12,500/- per month and directing the petitioner-tenant to deposit the arrears of rent, if any as well as the arrears of the so calculated mesne profits, with the Rent Controller within a period of one month from the date of the said order and to pay the future mesne profits by 10th of every month and setting the said deposit/payment as a condition precedent for staying the operation of the eviction order dated 15.07.2019 passed against him, the petitioner has chosen to prefer the present revision petition.

As per the brief factual-matrix culminating in the instant petition, the respondent-landlord filed an eviction petition against the petitioner which was allowed vide order dated 15.07.2019. The petitioner

preferred an appeal against the said eviction order and also filed an application for staying the operation of this order till the decision of the appeal. The respondent-landlord also moved an application for seeking direction to the petitioner to pay the mesne profits in respect of the premises in dispute at the market rate, from the date of the said eviction order. Vide the impugned order, both these applications have been decided by the Appellate Authority as discussed in the preceding paragraph.

I have heard learned counsel for the petitioner in this petition at the preliminary stage and have also perused the file carefully.

Learned counsel for the petitioner contends that the said eviction order, as passed against the petitioner, is not legally sustainable and moreover, the petitioner is facing financial crunch these days and therefore, he is not in a position to arrange for the funds so as to comply with the impugned order and therefore, the said order granting him the time of only one month to deposit the said arrears of mesne profits with the Rent Controller, is irrational and unreasonable.

However, I do not find any merit in the afore-raised contention because concededly, the said appeal as filed by the petitioner against the order of his eviction is pending before the Appellate Authority and at this stage, the merits of the same are to be looked into and adjudicated upon by the said Authority. As regards the plea qua the inability of the petitioner to arrange the funds to comply with the impugned order, the same is not plausible at all because undisputedly, the petitioner has been enjoying the user of the premises in dispute till date.

As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or

perversity so as to call for any interference by this Court. Resultantly, the present revision petition, being *sans* any merit, stands dismissed.

01.04.2022.
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned?	Yes
Whether Reportable?	No