

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

CR-4222-2019 (O&M)

Date of decision : May 31, 2022

M/s United Sales Corporation through its partner and others

..... Petitioners

Versus

Om Parkash Bansal Educational and Social Welfare Trust and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sanjiv Gupta, Advocate for the petitioners.

Mr. Satyaveer Singh, Advocate for respondent No1.

ANIL KSHETARPAL J. (ORAL)

The petitioners were the tenants in the premises in question. During the pendency of the first appeal, the appellate authority assessed the amount for use and occupation of the premises, particularly when the Rent Controller ordered ejectment of the petitioners. The assessment carried out by the appellate authority is the subject matter of challenge before this Court in the present revision petition.

On 13.03.2020, the Court noticed that the petitioners have already handed over the vacant possession of the tenanted premises .

The interlocutory order passed by the Court assessing mesne profit for use and occupation of the premises was applicable only during the pendency of the appeal.

Learned counsel representing respondent No.1 submits that he wishes to file a suit to recover the arrears of rent as well as damages for the use and occupation of the said premises.

Keeping in view the aforesaid facts, the revision petition is disposed of with the observation that the order passed by the appellate authority shall not be treated as binding in the subsequent suit.

(ANIL KSHETARPAL)
JUDGE

May 31, 2022

sarita

Whether speaking / reasoned

Whether Reportable:

Yes / No

Yes / No