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

CR-3695-2022 (O&M)

Date of Decision: November 16, 2022

Balwant Singh @ Banta through his legal heirs Petitioners
Versus
Satnam Singh Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr.D.S. Gandhi, Advocate for the petitioners.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition challenge has been made to an order dated 26.09.2019 passed by the Appellate Authority, Amritsar; whereby mesne profits @ Rs.7000/- per month from the date of passing of the eviction order dated 03.07.2019 till the decision of the appeal has been granted against the tenant-petitioners (hereinafter referred to as 'tenant').

The facts leading to the present case are that an eviction petition was filed at the instance of respondent/landlord (hereinafter referred to as 'the respondent') against Balwant Singh, who is represented here by his LRs-petitioners, on the grounds of non-payment of rent and personal necessity. The Rent Controller vide its order dated 03.07.2019 passed an eviction order against the tenant.

Aggrieved against the order dated 03.07.2019, tenant filed appeal along with an application for stay of eviction order. During the pendency of the appeal, respondent moved an application for grant of mesne profits. Vide order dated 26.09.2019, the first Appellate Authority ordered payment of mesne profits @ Rs.7000/- per month in favour of respondent. It is this order which has been impugned by way of present revision petition.

It has been contended by learned counsel for the petitioners that a serious dispute regarding title over the property in question has been raised at the instance of petitioners which is pending adjudication before the first Appellate Authority and as such till the same is adjudicated upon, respondent cannot be held entitled for award of mesne profits, his title being under cloud.

No other argument has been raised.

I have heard learned counsel for the petitioners and gone through the paper-book. I do not find any substance in the argument raised on behalf of the petitioner.

In the eviction proceedings pending before the Rent Controller, the issue of title, if any, cannot be adjudicated upon and as such raising of the same at the instance of tenant, cannot be taken to be as a bar for awarding mesne profits by the first Appellate Authority, once an eviction order has been passed against the tenant. In fact, inquiry into title of respondent is beyond the scope of jurisdiction being exercised by the authorities under the Rent Act which can undertake only a limited enquiry so as to adjudicate upon the status of the parties i.e. relationship of landlord and tenant between them.

In view of the above, I do not find any merit in the petition and thus, the same is dismissed.

November 16, 2022
sanjay

(HARKESH MANUJA)
JUDGE

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