

CR-1777-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-1777-2023 (O&M)

Date of decision: March 22, 2023

Rakesh Kumar Puri

....Petitioner

versus

M/s Partap Mills and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Rohan Garg, Advocate and Ms. Deepanshu Gupta, Advocate
for petitioner.

Mr. Namit Gautam, Advocate for the landlords.

ARUN MONGA, J. (ORAL)

Revision petition is against impugned order dated 18.01.2023 (Annexure P-8) passed by learned Executing Court, whereby warrant of possession has been issued due to non-deposit of mesne profit, as ordered by learned Appellate Authority vide its order dated 25.02.2021 (Annexure P-5).

2. I need not labour all over again to examine the controversy as the issue involved herein has already been dealt with by me in similar revision bearing CR-899-2023 titled M/s J.C. Goel & Co. and others versus M/s Partap Mills and another. For ready reference, relevant of the aforesaid judgment dated 08.02.2023 is reproduced herein below:

“5. *It transpires that as many as 87 adjournments have been granted by learned Appellate Authority to decide the appeal against ejectment order dated 04.01.2019 passed by learned Rent Controller. Petitioner is before this Court stating that ejectment order was stayed vide order dated 25.02.2021 (Annexure P-5) subject to payment of mesne profits @ Rs.4,232/- per month (in CR-899-2023), Rs.957/- per month (in CR-900-2023), Rs.2,409/- per month (in CR-902-2023) and Rs.3,949/- (in CR-904-2023) along with a contractual rent for payment to the respondent-landlords, by 10th day of every month; but owing to financial constraints and business loss, said deposits could not be made regularly though as on today, all the arrears have been paid by way of consolidated amount, before learned Appellate Authority. Said statement of payment of up-to-date arrears is though*

disputed by learned counsel for respondent-landlord, who appears in the Court having got the knowledge of present proceedings through cause list.

6. *Be that as it may, subject to proof of furnishing up-to-date payment of mesne profits as on today, within a period of 2 weeks, impugned warrants of possession shall be put on hold, subject to final outcome of pending appeal before learned Appellate Authority.*

7. *Keeping in view umpteen number of opportunities already accorded to the petitioners to address arguments, but needful having since not been done perhaps to deliberately delay the proceedings, though written arguments are stated to have already been submitted. In the premise, learned Appellate Authority is requested to not grant any further adjournment in the pending appeal and dispose of the same as expeditiously as possible, but not later than 2 months from today. In case, petitioners choose not to address arguments, since written arguments have already been submitted, learned Appellate Authority shall be at liberty to proceed on the basis of record.”*

3. Instant revision petition is disposed of in same terms.
4. Pending civil miscellaneous application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

March 22, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No