

2024.PHHC.101403



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

133-B

CR-4437-2024 (O&M)

Date of Decision: 07.08.2024

GURPAL SINGH

.... Petitioner

VERSUS

SHAMO DEVI (SINCE DECEASED) THR LRS

.... Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rajeev Dev Sharma, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 30.10.2023 passed by the Appellate Authority whereby the application for extension of time to deposit the *mesne* profits was dismissed.

2. The brief facts relevant to the present case are that ejectment of the petitioner was ordered vide order dated 04.07.2022 passed by the Rent Controller. Aggrieved by the same, an appeal was preferred by the petitioner. In the said appeal, *mesne* profits @ ₹4,000 per month qua the premises in dispute were assessed on 18.01.2023 and the petitioner was directed to deposit the said amount. The amount was to be paid by the 10th of every month from the date of eviction and was to be paid till possession was handed over to the respondent-landlord. On 29.08.2023 an application was filed for extension of time to deposit the *mesne* profits wherein it was stated that due to intervening holidays the amount could not be deposited and that

the delay in not depositing the amount was not intentional. The said application for extension of time was dismissed vide order dated 30.10.2023. The present revision petition has now been filed on 30.07.2024 challenging the order dated 30.10.2023 passed by the Appellate Authority.

3. Learned counsel for the petitioner would contend that the petitioner is willing to deposit the entire *mesne* profits and that the delay in depositing the *mesne* profits was not intentional.

4. Heard.

5. In the present case the *mesne* profits were assessed on 18.01.2023. Thereafter, though the petitioner continued to use and occupy the premises, however, he chose not to comply with the order dated 18.01.2023. On 13.02.2023 when the matter was fixed for producing the receipts regarding the deposit of *mesne* profits, the receipts were not produced and thereafter on 29.08.2023 the application was filed for extension of time. In the application there is no explanation forthcoming for not depositing the *mesne* profits except for stating that due to intervening holidays the amount could not be deposited and that the non-deposit of the amount was not intentional. Thereafter, though the order was passed on 30.10.2023, the petitioner chose to keep quiet and not challenge the said order till 30.07.2024 for which again there is no explanation forthcoming.

6. In view of the conduct of the petitioner, which seems primarily only to delay the proceedings and not to deposit the *mesne* profits, this Court is not inclined to interfere in the order passed by the Appellate Authority.

The revision petition is accordingly dismissed. Pending applications, if any, also stand disposed off.

07.08.2024
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: *Whether speaking/non-speaking: Speaking*
 Whether reportable: Yes/No