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

CR-5422-2024

Date of decision : 12.12.2024

Jyotika Sharma

... Petitioner

Versus

Rajpal Sidhu @ Rajpal Singh Sidhu

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Yogesh Saini, Advocate
for the petitioner.

Mr.Amandeep Agnihotri, Advocate
for the respondent.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 03.09.2024 (Annexure P-2) passed by the Civil Judge (Jr.Div.), S.A.S. Nagar, Mohali and also with the prayer that the order dated 22.08.2023 (Annexure P-3) be stayed till the decision of the appeal pending before the Court of Additional District Judge, Mohali.

2. On 18.09.2024, this Court was pleased to pass the following order:-

“Inter alia contends that the petitioner is a 85% disabled lady and against the order dated 22.08.2023 passed by the Rent Controller, an appeal dated 14.09.2023 was filed by the



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petitioner and in the said appeal on 12.08.2024 (Annexure P-6), the counsel for the respondent-landlord had sought time to address arguments on the stay application on the ground that the counsel, who had to argue the matter, was not available and accordingly, the matter was adjourned to 20.08.2024 for arguments on the stay application and the main case. Thereafter, as is apparent from the zimni order dated 17.08.2024, since the officer concerned had to go for an orientation course for a month, thus, the case could not be taken up and was adjourned to 01.10.2024. Learned counsel for the petitioner has submitted that although, the appeal as well as the stay application of the petitioner were pending, the landlord got warrants of possession issued for 28.10.2024 vide order dated 03.09.2024. It is prayed that in case, the said warrants of possession are executed, then, the appeal filed by the petitioner would be rendered infructuous.

Notice of motion for 26.09.2024.

To be shown in the urgent list.

Liberty is granted to the petitioner to serve the respondent through dasti process also.

Till the next date of hearing, status quo with respect to possession be maintained.

September 18, 2024”

3. Learned counsel appearing for the respondent has submitted that the appeal is now pending for 07.01.2025 and although the respondent-landlord has filed an application for mesne profits but has fairly submitted that in case the main appeal itself is decided in a time bound manner, then he would not press the application for mesne profits. It is submitted that any interim order passed by this Court should not be construed as an expression

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on the merits of the case and the Ist Appellate Court should decide the case independently, after taking into consideration the arguments raised by both the parties. It is further submitted that the counsel for the present petitioner before the Ist Appellate Court has been seeking dates and in case the interim order is to be continued, then the petitioner should be directed to argue the case on 07.01.2025 or any other date fixed by the Ist Appellate Court.

4. Learned counsel for the petitioner has submitted that he has no objection to the said course of action.

5. Keeping in view the abovesaid facts and circumstances, the present petition is disposed of with the following observations / directions:-

i) The Ist Appellate Court would decide the main appeal i.e., RA no.41 of 2023 as expeditiously as possible, preferably within a period of 6 weeks from 07.01.2025. Learned counsel for both the parties, as undertaken before this Court, would prepare to argue the case on 07.01.2025 or any other date fixed by the Ist Appellate Court and would not seek any adjournment and would fully assist in expeditious disposal of the case.

ii) The interim order of status quo with respect to possession would be continued till the said appeal is decided. However, grant of said order of status quo should not be construed as an expression on the merits of the case and the Ist Appellate Court would decide the case independently, after taking into consideration the arguments raised by both the parties.



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iii) As has been fairly stated by learned counsel for the respondent-landlord, the application for mesne profits would be disposed of as not pressed.

(VIKAS BAHL)
JUDGE

December 12, 2024.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No