

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****135****CR-6410-2024 (O&M)****Date of Decision : 05.11.2024**

Sandeep Singh Sekhon and Others

....Petitioners

**VERSUS**

Harbans Singh

....Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Naveen Bawa, Advocate for the petitioners.

Mr. Vaibhav Narang, Advocate for the respondent-caveator.

**ALKA SARIN, J. (Oral)**

1. After arguing for some time, learned counsel for the petitioners states that the petitioners are willing to deposit the mesne profits @ Rs.1,00,000/- per month. However, they may be given a month's time to deposit the same. It is further the contention that the petitioner be permitted deposited the mesne profits rather than the same being paid to the respondent-landlord.

2. Learned counsel for the respondent-caveator has relied upon a judgment of the Hon'ble Supreme Court in case of **M/s Martin & Harris Private Limited and Anr. vs. Rajendra Mehta and Ors. [2022(2) RCR (Rent) 109]** to contend that the respondent-landlord would have no objection if the arrears of mesne profits are deposited within a period of one month. He, however, relying upon the aforesaid judgment prays that the

amount be released to the respondent-landlord against surety as this is the only source of income of the respondent-landlord, who is 86 years of age.

3. Heard.

4. In the present case learned counsel for the parties are *ad idem* as far as the assessment of the mesne profits is concerned. The same is therefore upheld. The petitioners shall deposit an amount of Rs.1,00,000/- per month towards mesne profits starting from 01.11.2024. The arrears of mesne profits upto 31.10.2024 shall be deposited @ Rs.1,00,000/- per month from the date of eviction upto 31.10.2024 within a period of one month from the date of the present order. 50% of the amount of the future mesne profits, and the arrears so deposited towards mesne profits, be released in favour of the respondent-landlord against surety and the remaining amount shall be deposited in an FDR in a nationalized bank.

5. Meanwhile, the Appellate Authority is requested to expedite the hearing of the appeal.

6. The present revision petition is disposed off in the above terms. Pending applications, if any, also stand disposed off.

( ALKA SARIN )  
JUDGE

05.11.2024  
jk

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO