



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-6480-2024 (O&M)

Date of Decision : 11.11.2024

Harbans Singh Sandhu ... Petitioner(s)

Versus

Sandeep Singh Sekhon & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Shivya Sehgal, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed by the landlord-petitioner for modification of the order dated 11.09.2024 passed by the Appellate Authority, Ludhiana whereby the mesne profits @ Rs.1,00,000/- per month have been assessed.

2. On 05.11.2024, in a revision petition being CR-6410-2024 filed by the tenant-respondents herein, the following order was passed by this Court :

“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 idemas 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.”

3. Learned counsel for the petitioner states that in view of the order dated 05.11.2024 passed in CR-6410-2024 filed by the tenant-respondents herein, she does not wish to press the present petition.

4. In view of the above, the present revision petition is dismissed as not pressed. Pending applications, if any, also stand disposed off.

11.11.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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