



CR-6609-2024

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

(122)

CR-6609-2024

Date of decision: - 02.12.2024

Pishori Lal also known as Pishori Lal Koura and another

....Petitioners

Versus

Sarabjit Dhalla

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sandeep Khunger, Advocate, and
Mr. Saksham Khunger, Advocate
for the petitioners.

Mr. Abhay Kumar Sharma, Advocate
for the respondent.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for issuance of a direction to the Appellate Authority, Kapurthala under the Punjab Rent Act to consider and decide the application dated 20.09.2024 (Annexure P-7) filed by the petitioners under Section 54 of the Punjab Rent Act, 1995 read with Order 41 Rule 5 and Section 151 CPC for staying the operation of the order dated 16.04.2024 (Annexure P-1) passed by the Rent Controller, Phagwara, District Kapurthala as the respondent has filed the Execution Petition before the Executing Court and the Executing Court has issued warrants of possession with the help of the police.

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2. On 18.11.2024, this Court was pleased to pass the following order: -

“Inter alia contends that against the judgment dated 16.04.2024, the petitioners had filed an appeal within limitation and had filed an application for stay along with the said appeal. It is submitted that vide order dated 31.07.2024, the Appellate Authority had observed that there were arguable points in the appeal and accordingly admitted the same and also issued notice in the same. It is pointed out that as is apparent from the zimni order dated 22.10.2024, the Ist Appellate court had heard arguments partly and thereafter, on request of learned counsel for the respondent, the matter was adjourned to 29.10.2024 and on 29.10.2024, it is the respondent, who had moved an application for adjournment and the matter was adjourned to 05.11.2024 for remaining arguments on the application for mesne profit and thereafter again on 05.11.2024, on request of counsel for the respondent, the matter was adjourned to 07.11.2024. It is submitted that the matter is now listed for 19.11.2024 for the arguments of the respondent on the application for mesne profit and in the meantime, the respondent had filed an execution and vide order dated 16.09.2024, warrants of possession have been issued with the police help. It is submitted that till date the possession has not been taken and a limited prayer has been made by learned counsel for the petitioners to the effect that till the time, the stay application before the Ist Appellate Court is not decided, the possession from the petitioners be not taken, as otherwise, the first appeal filed by the petitioners would be rendered infructuous.

Notice of motion for 02.12.2024.

Liberty is granted to the petitioners to serve the respondent through dasti process and through counsel before the Ist Appellate Court.

To be shown in the urgent list.

Till the next date of hearing, the status quo regarding possession as it exists today be maintained.”

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3. During the course of arguments, a consensus has been arrived at between the parties.

4. Learned counsel for the respondent has very fairly submitted that the respondent would not press his application for mesne profit and would argue the main case itself on 17.12.2024, the next date fixed before the 1st Appellate Authority and has prayed that the same be decided, as expeditiously as possible and in a time bound manner.

5. Learned counsel for the petitioners has submitted that the petitioners have no objection to the said course of action and has submitted that even the counsel appearing for the petitioners before the 1st Appellate Authority would argue the main appeal on 17.12.2024 itself.

6. Keeping in view the above-said facts and circumstances, with the consent of both the parties, the present revision petition is disposed of with the following terms: -

- (i) The application for mesne profit stands disposed of as having not been pressed by the respondent.
- (ii) The 1st Appellate Authority is requested to decide the main appeal itself, as expeditiously as possible, preferably within a period of six weeks from 17.12.2024.
- (iii) Counsel for the parties, as has been undertaken before this Court, would fully assist the Court and would be prepared to argue the matter on 17.12.2024 as well as on any other date which the 1st Appellate Authority would give in the main appeal.



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(iv) Till the time the main appeal is decided by the 1st Appellate Authority, the status quo regarding possession as it exists today be maintained.

7. It is made clear that the grant of present interim order should not be construed as an expression on the merits of the case and it would be open to both the parties to raise all pleas which are available to them and the 1st Appellate Authority would decide the same independently, in accordance with law.

December 02, 2024
naresh.k

(VIKAS BAHL)
JUDGE

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