



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

**Civil Revision No. 2600 of 2011 (O&M)
Date of Decision: 03.12.2025**

Luxmi Devi

..... Petitioner

Versus

Kunta Devi (since deceased) through
legal heirs and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Vaishali Kamboj, Advocate and
Ms. Bhupinder Kaur, Advocate
for the petitioner-tenant.

Mr. Ishank Bansal, Advocate for
Mr. Vibhor Bansal, Advocate
for the respondents-landlords.

HARKESH MANUJA, J. (ORAL)

The petitioner-tenant, by way of present revision petition, seeks setting aside of an order dated 22.02.2011 passed by the learned Appellate Authority, Ambala, whereby the appeal filed at the instance of respondent Nos. 1 & 2-landlords was allowed, while directing the petitioner-tenant to handover the vacant possession of the demised premises to the landlords.

[2] Briefly stating, claiming herself to be owner of the premises in question, i.e. property No. 509/5 and 509/6, Katcha Bazar, Ambala Cantt., an eviction petition came to be filed on behalf of respondent Nos. 1 & 2-landlords against the petitioner on the ground of non-payment of rent as well as the demised premises having become unfit and unsafe for human

habitation. The prayer made in the eviction petition was opposed at the instance of petitioner-tenant. The learned Rent Controller, Ambala Cantt., vide order dated 30.10.2009, dismissed the eviction petition preferred at the instance of respondent Nos. 1 & 2-landlords.

[3] Aggrieved thereof, an appeal was preferred which came to be allowed by the learned Appellate Authority, Ambala, vide its decision dated 22.02.2011, resulting in the passing of an ejectment order against the petitioner-tenant.

Hence, the present revision petition.

[4] I have heard learned counsel for the parties and considered their submission(s).

[5] During the pendency of present revision petition, on 27.05.2024, this Court passed a detailed and comprehensive order on an application preferred at the instance of respondents with respect to claim towards *mesne profits*. The operative portion of the said order is extracted hereunder:-

“ Taking into account, the aforesaid factors and also considering the fact of the application having filed in the year 2015 and also, while making some moderation, on account of *interregnum* period passed by, this Court is of the opinion that taking into consideration the fact of tenanted premises, to be consisting of two rooms, kitchen and bathroom, the assessment of the *mesne profits* as Rs.5,000/- per month, is the most appropriate one.

At this juncture, it is pertinent to mention that revision petition was though filed in the year 2011, but however, the application for *mesne profits* was filed in the year 2015. In the given circumstances, it is ordered that during the pendency of the revision petition, the non-applicant/tenant/petitioner shall be liable to pay the rent @ Rs.5,000/- per month, from the date

of filing of the application in hand, till the decision of the revision petition. If any rent has been paid by the tenant-petitioner to the applicants-landlords, during this period, the same shall be adjusted and the outstanding amount shall be paid within a period of three months, from today onwards, failing which, the protection qua dispossession, as granted vide order dated 21.04.2011, shall automatically stand vacated and the applicants-landlords shall be entitled to seek ejectment of tenant-petitioner, in due course.

In view of the aforesaid terms, the instant application stands allowed.”

[6] Later, a review application was preferred assailing the aforesaid order dated 27.05.2024 passed by this Court, however, the same was dismissed on 30.07.2024.

[7] It has been pointed out by the learned counsel for respondents that the petitioner never deposited the arrears of *mesne profits*. He also submits that on an execution application preferred at the instance of legal representatives of respondent-landlady, even the warrants of possession qua the demised premises were executed against the petitioner-tenant and the vacant possession of the premises in question was handed over to the respondent(s) on 16.07.2025.

[8] In view of the afore-stated development, once the petitioner-tenant has failed to deposit the arrears of rent in terms of order dated 27.05.2024, she has no right to pursue the present revision petition in terms of the specific directions issued by this Court in its order dated 27.05.2024, whereby it was categorically observed that the order of protection of dispossession of the petitioner granted on 21.04.2011, shall automatically stand vacated and the respondent(s) shall be entitled to seek ejectment of the

petitioner-tenant in due course.

[9] In view of the above discussion, the present petition is hereby dismissed.

[10] Pending miscellaneous application(s), if any, shall also stand disposed off.

December 03, 2025
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No