



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

(132)

CR-3120-2025

Date of decision:- 21.05.2025

Ravi Jain

....Petitioner

Versus

Vinish Sood and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Divanshu Jain, Advocate,
Mr. Minkal Rawal, Advocate, and
Mr. Abhinav Goel, Advocate
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India read with Section 15(5) of the East Punjab Urban Restriction Act, 1949 praying for issuance of directions to the Appellate Authority, Kapurthala to decide the stay application filed alongwith the rent appeal bearing RA-9-2025 filed by the petitioner and to stay the operation of the order dated 29.01.2025 passed by the Rent Controller, Phagwara.

2. Learned counsel for the petitioner has submitted that against the judgment dated 29.01.2025, the petitioner had filed the first statutory appeal within limitation and has also filed an application for stay (Annexure P-3). It is further submitted that on 17.03.2025, the appeal alongwith the stay application was heard and it was observed by the Court that there are arguable points, thus, notice was issued in the appeal as well

as in the stay application for 06.05.2025. It is argued that in the order dated 17.03.2025, it was also noticed that a caveat had been filed by respondent No.1 but the counsel for respondent No.1 did not appear. It is submitted that the respondent-landlord has filed an application for mesne profit (Annexure P-7) and on 06.05.2025 had supplied a copy of the same to learned counsel for the present petitioner and the case was adjourned to 20.05.2025 for filing reply to the said application for mesne profit. It is further submitted that respondents No.2 and 3 were proceeded against ex-parte vide order dated 06.05.2025 (Annexure P-8). It is stated that on one hand the respondent-landlord was pressing for the application for mesne profit and on the other hand had filed an execution application on 30.04.2025 and on 17.05.2025, the warrants of possession of property had been issued for 31.05.2025. It is submitted that the appeal alongwith the stay application as well as the application for mesne profit is now pending for 27.05.2025 and the petitioner has already filed reply to the said application for mesne profit. It is further submitted that the petitioner has arguable points in the appeal and has submitted that in case the stay application is not decided by the 1st Appellate Court on 27.05.2025 and the possession is taken by the respondent, then, irreparable loss would be caused to the present petitioner. It is prayed that till the time the stay application alongwith the application for mesne profit is not decided, the status quo with respect to possession be maintained. In support of his arguments, learned counsel for the petitioner has relied upon various orders passed by the Co-ordinate Bench of this Court, which have been annexed as Annexures P-10 to P-14.

3. Keeping in view the above-said facts and circumstances, the present revision petition is disposed of with a direction to the 1st Appellate Court to decide the application for stay alongwith the application for mesne profit, as expeditiously as possible, preferably, within a period of six weeks from 27.05.2025. Till the time the said application for stay and the application for mesne profit is not decided, status quo with respect to possession of the suit property be maintained. The said order with respect to status quo regarding possession should not be construed as an expression on the merits of the case and the same has been passed in view of the peculiar facts and circumstances of the present case, which have been highlighted by learned counsel for the petitioner. The further continuance of the status quo order would be dependent upon the adjudication of the stay application by the 1st Appellate Court. The stay application as well as application for mesne profit would be considered independently by the 1st Appellate Court, after taking into consideration the arguments raised by both the sides.

4. Learned counsel for the petitioner has undertaken that the counsel for the petitioner before the 1st Appellate Court would be ready to argue the stay application/application for mesne profit/main appeal on 27.05.2025. All the counsels concerned before the 1st Appellate Court are requested to be fully prepared to argue the same on 27.05.2025 or any other date which the 1st Appellate Court may direct.

May 21, 2025

naresh.k

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No

**(VIKAS BAHL)
JUDGE**