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

RA-CR-99-2024 (O&M) in
CR-2183-2024
Date of decision: 11.03.2025

Pardeep Kumar

...Petitioner

Versus

Harjeet Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Prateek Sodhi, Advocate
for the review applicant/petitioner.

Mr. Aman Raj Bawa, Advocate for the respondents.

VIKAS BAHL, J. (ORAL)

1. Challenge in the main revision petition was to the order dated 29.02.2024 vide which the mesne profits to the extent of Rs.20,000/- per month had been assessed. The said revision petition was dismissed vide order dated 18.04.2024 passed by the Coordinate Bench of this Court. The present review application has been filed for reviewing the said order dated 18.04.2024 passed by the Coordinate Bench of this Court.

2. On 30.08.2024, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Present: Mr. Prateek Sodhi, Advocate for the applicant-
petitioner.*



This is an application for stay of the operation of impugned order dated 29.02.2024 passed in CR-2183-2024 and also for stay of the execution proceedings in execution petition No.74 of 2022.

Learned counsel for the applicant-petitioner submits that during the pendency of the revision petition, parties had agreed that order dated 04.03.2022 would stand modify and mesne profit would be reduced from Rs.20,000/- to Rs.15,000/- per month, out of which Rs.10,000/- would be released to the respondents and remaining Rs.5,000/- was to be kept in the fixed deposit, to be released subject to the outcome of the pending appeal before the appellate authority. It was further agreed that further time would be granted to the petitioner to pay the arrears of mesne profit. The revision petition was not decided as per agreement but decided on merits.

The petitioner had already filed the review application in the revision petition, which is pending for 19.09.2024 and notice is already issued. The learned Executing Court had issued warrant of possession of the demised premises. Same were received back unserved. Now, warrant of possession has been issued for 31.08.2024 with the permission to open the locks of the demised premises.

It is further submitted that advance notice was sent to the respondent through registered letter dated 27.08.2024.

Notice in the application for 19.09.2024 i.e. the date already fixed in the review application i.e. RA-CR-99-2024.

Till then status quo as to the possession be maintained.

A copy of this order be given 'Dasti' to the counsel for the applicant-petitioner under the signature of the Bench Secretary of this Court.

30.08.2024”

3. Learned counsel for the respondents has submitted that even



the mesne profits at the reduced rate of Rs.15,000/- per month has not been deposited by the petitioner and the petitioner is in arrears. It is further submitted that the main appeal is pending for final adjudication and the petitioner be directed to deposit the mesne profits and the share of the respondents to the extent of Rs.10,000/- per month be released to the respondents and the Appellate Authority be directed to decide the appeal expeditiously. It is further submitted that from the month of March 2025, the entire amount of Rs.15,000/- per month be given to the respondents.

4. During the course of arguments, a consensus has been arrived at between learned counsel for the review applicant/petitioner as well as learned counsel for the respondents and with the consent of both the learned counsel for the parties, the present review application is disposed of in the following terms/directions:-

- i) Order dated 29.02.2024 passed by the Appellate Authority, Amritsar is modified and instead of mesne profits having been assessed at the rate of Rs.20,000/- per month, mesne profits are finally assessed at the rate of Rs.15,000/- per month.
- ii) The petitioner would deposit the arrears of mesne profits at the rate of Rs.15,000/- per month within a period of six weeks from today and on him depositing the said amount, the amount at the rate of Rs.10,000/- per month would be released to the respondents and the remaining amount would be put in Fixed Deposits drawing maximum rate of interest, which would be paid to the person in whose favour the appeal is decided.
- iii) The petitioner would also continue to deposit the amount of



Rs.15,000/- per month as mesne profits on or before 25th of every month and the entire amount of Rs.15,000/- per month would be released to the respondents.

- iv) The Appellate Authority is requested to decide the appeal after lapse of said six weeks, as expeditiously as possible.
- v) The order of status quo passed by the Coordinate Bench of this Court with respect to possession on 30.08.2024 would continue for a period of six weeks from today and in case the petitioner complies with the earlier part of the order then the said order of status quo would continue till the time the first appeal is decided. In case the petitioner makes any default in compliance of the earlier part of the order, then the status quo order would stand vacated after lapse of said period of six weeks.
- vi) The grant of status quo order would not be construed as an expression of opinion on the merits of the case and the Appellate Authority is directed to decide the appeal independently, in accordance with law, after hearing both the parties concerned.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

11.03.2025

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No