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

CR-3933-2025

Date of decision: 22.07.2025

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 for the petitioners.

Mr. Abhay Kumar Sharma, Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for issuance of directions to the Appellate Authority, Kapurthala, under the Punjab Rent Act to consider and decide the application dated 01.07.2025 (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 C.P.C for staying the operation of the orders dated 29.05.2025 (Annexure P-5) and 16.04.2024 (Annexure P-1) passed by the Rent Controller, Phagwara, District Kapurthala.

2. On 08.07.2025, this Court had passed the following order:-

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



Inter alia, contends that on an earlier occasion the petitioners had filed a petition bearing CR-6609-2024, which was disposed of vide order dated 02.12.2024. The order dated 02.12.2024 has been highlighted by learned counsel for the petitioners and the said order is reproduced herein below: -

“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.

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.”

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.

(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.”

It is submitted that after the passing of the said order, the 1st Appellate Court had decided the appeal on 31.01.2025 and had allowed the same and had observed that the petitioners would be at liberty to file the review petition within the period of 10 days. It is further submitted that the Rent



Controller had dismissed the said review application vide order dated 29.05.2025 and against the said order, the petitioners had filed an appeal on 01.07.2025 along with an application for stay, in which, on 02.07.2025, the following order was passed: -

“Present: None for appellants.

Sh. Abhay Kumar Sharma, Advocate, counsel for respondent/Caveator.

This appeal received by way of entrustment. It be checked and registered.

Alongwith main appeal, an application under order XLI Rule 5 and section 151 of code of Civil Procedure for staying operation of the order and staying dispossession of the appellants from the demise premises has also been filed.

Heard.

There are arguable points. Admitted.

Perusal of the file reveals that Caveat has also been filed by the respondent/Caveator.

Sh. Abhay Kumar Sharma, has appeared on behalf of respondent. Service has been filed. For filing reply to above said applications by the respondent, to come upon 15.7.2025.

Date of Order: 02.07.2025”

It is argued that in the said order, it was noticed that there were arguable points and even the counsel for the caveator had appeared and the matter was adjourned for filing reply on the stay application for 15.07.2025. It is however submitted that the respondent-landlord had filed an execution application on 02.07.2025, in which, notice was issued for 04.07.2025 and on 04.07.2025, warrant of possession has been issued. It is further argued that in case prior to the decision on the said stay application, the warrant of possession is



executed, then, irreparable loss would be caused to the petitioners and the first appeal filed by the petitioners would be rendered infructuous.

Notice of motion for 22.07.2025.

Liberty is granted to the petitioners to serve the respondent through counsel before the 1st Appellate Court/Executing Court as well as through dasti process.

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

To be taken up in the urgent list.”

3. Learned counsel for the petitioners, has further referred to order dated 15.07.2025 passed by the Additional District Judge, Kapurthala to highlight the fact that the reply to the said stay application had not been filed whereas the application for mesne profits had been filed. The said order dated 15.07.2025 is reproduced hereinbelow:-

“Present: Sh. Himanshu Prashar, Advocate, for appellants.

Sh. Abhay Kumar Sharma, Advocate, counsel for respondent/Caveator.

Learned counsel for the respondent/Caveator has moved an application for mense profit. Copy supplied.

Learned counsel for the parties have stated that there is chance of amicably settlement between the parties. As such, this case be sent to the Mediation Center Kapurthala for 18.07.2025 for affecting amicable settlement between the parties. Parties are directed to appear before the Court before the Mediator on the said date. The report of Mediation Centre be awaited till 22.07.2025.

Reply to application for mense profit by the appellant be also filed on the said date.

Reply to application under order XLI Rule 5 and section 151 of code of Civil Procedure for staying operation of the



order and staying dispossession of the appellants from the demise premises by the respondent be also filed on the said date i.e. 22.7.2025.

Date of Order: 15.07.2025

(Sanjiv Joshi)

Additional District Judge,

Kapurthala

UID No. PB00105”

4. Learned counsel for the respondent has prayed that the main appeal itself be ordered to be decided in a time bound manner. It is submitted that the respondent would not press the application for mesne profits and would be ready to argue the main appeal itself. It is further submitted that although the matter was referred to the Mediation and Conciliation Centre but there is no possibility of compromise as the petitioners were not present before the Mediation and Conciliation Centre.

5. Learned counsel for the petitioners has submitted that till the time the appeal is not decided, the interim order of status quo be continued and the petitioners would also be ready to argue the appeal on the date fixed by the Appellate Court.

6. Learned counsel for the respondent has submitted that the order of status quo in favour of the petitioners granted by this Court should not be construed as an expression of opinion on the merits of the case and the case should be decided independently and in accordance with law.

7. Keeping in view the abovesaid facts and circumstances and fair stand taken by learned counsel for the petitioners as well as learned counsel for respondent and with their consent, the present revision petition is disposed of with the following observations/directions:-



- i) The application for mesne profits filed by the respondent stands disposed of as having not been pressed by the respondent.
- ii) The First Appellate Court is requested to decide the main appeal itself, as expeditiously as possible, preferably within a period of two months from the next date of hearing.
- 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 the next date of hearing as well as on any other date which the First Appellate Court would give in the main appeal.
- iv) Till the time the main appeal is decided by the First Appellate Court, the status quo regarding possession as it exists today be maintained.

8. It is made clear that the grant of 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 First Appellate Court would decide the same independently, in accordance with law.

22.07.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No