

2026:PHHC:080977



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

109

**(1) CR-4312-2026
Date of decision :22.05.2026**

MEERA KHANDELIA

... PETITIONER

VERSUS

**M/S MAX LAB BY MAX HOSPITAL SAMPLE COLLECTION
CENTRE AND ANR**

...RESPONDENTS

(2) CR-4315-2026

MEERA KHANDELIA

... PETITIONER

VERSUS

B CLINICAL LABORATORY AND ANR

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Anish Gautam, Advocate
for the petitioner(s).

PARMOD GOYAL, J. (ORAL)

1. Since the issue involved in both the revision petitions is identical, they are being taken up together and are being disposed of by this common order.
2. The present revision petitions have been filed by the petitioner-plaintiff under Article 227 of the Constitution of India seeking setting aside of the impugned order dated 11.03.2026 (Annexure P-1) passed by the learned Civil Judge (Junior Division), Chandigarh.
3. It is the case of the petitioner-plaintiff that the respondents-defendants were a licensees in respect of the suit premises on account of respective license agreements and that the said licence(s) stood terminated by

petitioner-plaintiff after giving 2 months notices. It is further contended that after termination of the licence, the respondents-defendants have remained in illegal possession of the suit property, for which they were liable to pay mesne profits at the rate of ₹50,000/- per month. Since the respondents-defendants failed to pay the said mesne profits, the petitioner-plaintiff sought striking off of the defendant's defence of respondents-defendants under Order XV Rule 5 CPC, 1908.

4. The learned Court of first instance, however, concluded that the provisions of Order XV Rule 5 CPC, under which striking off of the defence was sought by the petitioner-plaintiff, were not attracted to the facts and circumstances of the present case and, accordingly, dismissed the said application.

5. On consideration, I find no merit in the present revision petition. The conclusion drawn by the learned Court of first instance cannot be said to be erroneous or perverse. Admittedly, as per the case set up by the petitioner-plaintiff himself, there exists no relationship of landlord and tenant between the parties. According to petitioner-plaintiff, the licence already stands terminated and the respondents-defendants are in illegal possession of the suit property, whereas the stand of the respondents-defendants is that they continue to be licensees and are regularly paying charges for use and occupation of the premises.

6. Therefore, it is evident that the principal issue involved in the present case is as to whether the licence stands terminated or not, and further, as to what amount the respondents-defendants are liable to pay, either towards licence fee or mesne profits. Unless and until the Court determines the liability

of the respondents-defendants to pay mesne profits/license fee quantified by the Court, no application under Order XV Rule 5 CPC, 1908 would be maintainable. Consequently, the impugned order does not suffer from any illegality or infirmity warranting interference by this Court in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India.

7. However, it is made clear that the petitioner-plaintiff shall be at liberty to approach the Court below by moving an appropriate application seeking directions for payment of mesne profits and/or admitted licence fee on a regular basis during the pendency of the suit. This application, if filed, shall be considered and decided by the learned trial Court in accordance with law.

8. Accordingly, both the revision petitions stand dismissed.

9. Pending miscellaneous applications, if any, shall also stand disposed of.

10. A photocopy of this order be placed on the file of the connected case.

22.05.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No