



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

129+260

CR-4246-2024 (O&M)  
Date of decision: 10.02.2026

Maharaja Sarup

...Petitioner(s)

Vs.

Shree Satnam Dharam Sabha

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Ritu Punj, Advocate  
Mr. Sarvesh Rattan, Advocate  
for the petitioner.

Mr. Binderjit Singh, Advocate  
for the respondent.

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NIDHI GUPTA, J.

The present Revision Petition has been filed by the tenant seeking setting aside of the order dated 19.07.2024 (Annexure P4) passed by the learned Appellate Authority, Barnala whereby the appellant has been directed to pay Rs.22,000/- per month as mesne profit during the pendency of the appeal from the date of passing of Eviction Order dated 28.08.2023.

2. Brief facts of the case are that the respondent/landlord had filed Eviction Petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949. Vide order dated 28.08.2023, the said Rent Petition was allowed. The petitioner challenged the said order by way of Rent



Appeal dated 13.10.2023 (Annexure P1), which is still pending. In the said appeal, respondent had filed an application dated 21.10.2023 (Annexure P2) for directing the petitioner-tenant to pay a sum of Rs.50,000/- per month as mesne profit. The petitioner had filed reply dated 'Nil' (Annexure P3) to the said application. Vide the impugned order dated 19.07.2024 (Annexure P4), the application filed by the respondent-landlord for mesne profit was allowed and the petitioner was directed to pay mesne profits at the rate of Rs.22,000/- per month.

3. The petitioner has challenged the said order on the ground that sale deeds produced by the petitioner of nearby properties have not been considered while determining the mesne profits. Today, Ld. Counsel has also sought an adjournment.

4. On a query posed by this Court to learned counsel for the respondent with regard to the order dated 3.10.2024 passed in respect of other tenants and the respondent, in similar revision petition bearing CR-4208-2024 titled as 'Devindra Kumar versus Shri Sanatan Dharam Sabha', which was partly allowed by Co-ordinate Bench directing the tenants/petitioners therein *"to deposit the arrears of mesne profits at the rate of ₹15,000/- per month with effect from 28.8.2023, within a period of two months from today....."*; learned counsel for the respondent submits that the petitioner herein is not entitled to parity with the abovesaid tenants in view of the act and conduct of the petitioner; and in view of the observations recorded by the learned Executing Court in the order dated



11.12.2025, a copy of which is handed over in Court, and taken on record.

It is also submitted that the petitioner is still in substantial arrears of Mesne profits. Accordingly, dismissal of the present revision petition is prayed for.

5. Heard.

6. On the last several dates of hearing, the matter has been heard at considerable length; and on 10.11.2025, this Court had passed the following order:-

*"The present Civil Revision Petition has been filed by the tenant seeking setting aside of the order dated 19.07.2024 (Annexure P4) passed by the learned Appellate Authority; whereby the petitioner has been directed to pay Rs.22,000/- p.m. as mesne profit to respondent/landlord during continuation of the appeal proceedings from the date of passing of eviction order dated 28.08.2023.*

2. *Present application under Section 151 CPC read with Article 227 of the Constitution of India has been preferred by the petitioner/tenant for staying the execution of the eviction order dated 28.08.2023 till the decision of the present revision petition.*

3. *On the last date of hearing i.e. 07.11.2025, after having been heard learned counsel for the parties at some length, following order had been passed:-*

*"The present application has been filed by the applicant-petitioner/tenant for staying the execution of the order of eviction dated 28.8.2023 till the decision of the present revision petition.*

*After hearing learned counsel for the parties at some length, learned counsel for the applicant-petitioner, on telephonic instructions, undertakes to pay the*



*amount of entire amount of arrears of rent @ Rs.15,000/- per month since 28.8.2023 till date along with interest @ 9% per annum to the respondent on or before 10th November, 2025. Adjourned to 10.11.2025.”*

4. *Today, learned counsel, on instructions, submits that the petitioner has not, and is not able to comply with the above said order.*

5. *In view of the same, as petitioner has failed to comply with the undertaking given by him on the last date of hearing, present application stands dismissed.”*

7. Subsequently, the petitioner had presented a Demand Draft No.003101 dated 12.01.2026 for an amount of Rs.4,70,000/- payable at J&K Bank to the respondent. Learned counsel for the respondent has informed this Court that the same has been handed over to the respondent. Accordingly, on the last date of hearing i.e. 06.02.2026, following order came to be passed: -

*“Vide last order dated 23.01.2026, the petitioner-tenant had deposited a Demand Draft (Payment Order) bearing No. 003101 dated 12.01.2026, amounting to `4,70,000/- payable at J&K Bank in favour of the respondent in the Registry of this Court.*

*The aforesaid original demand draft has been handed over to learned counsel for the respondent in Court who undertakes to duly hand over the same to the respondent within a period of 01 week from today. A photocopy of the said demand draft is retained on record.*

*After arguing for some time, when this Court is not agreeing*



*with the submissions of learned counsel for the petitioner, learned counsel for the petitioner submits that some reasonable time may be granted to the petitioner to vacate the demised premises and seeks time to get necessary instructions in this regard from her client.*

*At her request, adjourned to 10.02.2026.”*

8. Today, learned counsel for the respondent has handed over a copy of the order dated 11.12.2025 passed by the Executing Court, which reads as follows: -

*“As per report of Ahlmad, warrant of possession received back with report shortage of police force.*

*Police has also made entry in the DDR register No.030 dated 10.12.2025. DDR entry also attached with the warrant of possession.*

*Perusal of the file reveals that warrants of possession were issued on several occasions in execution of the decree in favour of the Decree Holder; however, the same were repeatedly received back unexecuted.*

*As per the report of the Ahlmad and the police, the initial warrant of possession was returned with the report that the shop in question was found locked. Thereafter, an application was moved seeking permission to execute the warrant by breaking open the lock, which was allowed. Despite the same, the warrants of possession issued thereafter were returned unexecuted on various dates, including 09.10.2025, 05.12.2025 and 11.12.2025, on the ground of non-availability and shortage of police force.*



*It is further evident from the report that when the bailiff team, along with the Decree Holder and his counsel, went to the spot for execution of the warrant of possession, the Judgment Debtor obstructed the execution proceedings and used abusive language towards the Decree Holder and his counsel. It is also reported that the wife of the Judgment Debtor was carrying a bottle of petrol and threatened to commit suicide by pouring petrol upon herself. The bailiff recovered the said bottle of petrol from her possession. Neighbouring shopkeepers also joined in creating obstruction. Due to volatile law and order situation and lack of adequate police assistance, the warrant of possession could not be executed.*

*The record clearly reflects that the non-execution of the warrants of possession is attributable to deliberate obstruction and resistance by the Judgment Debtor and his associates, coupled with insufficient police force. Such conduct amounts to a willful attempt to frustrate the execution of a lawful decree and to undermine the authority of the Court. In order to ensure effective execution of the decree and to uphold the rule of law, a fresh warrant of possession is hereby ordered to be issued with mandatory police help, through the office of the SSP, Bathinda, for 03.01.2026.*

*The Ahlmad is directed to attach all necessary documents along with the relevant DDR entries with the warrant of possession and ensure due compliance.”*



9.           Thus, keeping in view the entirety of the facts and circumstances of the case as noted above, as also the conduct of the petitioner as recounted above, the present petition is **dismissed**.

10.           Pending application(s) if any also stand(s) disposed of.

10.02.2026  
Sunena

(NIDHI GUPTA)  
JUDGE

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |