

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-7247-2023

Date of decision : 05.02.2026

Ritu Bala @ Kanika

... Petitioner

Versus

Shobha Hans

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms.Jyoti Sareen, Advocate for the petitioner.
Mr.Naveen Batra, Advocate for the respondent.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside of order dated 15.11.2023 (Annexure P-9) passed by the Additional District Judge, Shaheed Bhagat Singh Nagar, rejecting the application filed by the petitioner under Order 15 Rule 5 CPC.
2. On 28.01.2026, this Court was pleased to pass the following order:-

*“Present: Ms. Jyoti Sareen, Advocate
for the petitioner (through V.C.).*

*Mr. Naveen Batra, Advocate
for the respondent.*

Learned counsel for the petitioner has submitted that it was the case of the plaintiff in the plaint that the respondent was occupying the premises as a licensee at the rate of ₹3,150/- per month, which was required to be paid by the respondent as compensation for use and occupancy of the premises in question. It is further submitted that the period of licence had elapsed yet neither the respondent had vacated the premises nor had been paying the said amount of ₹3,150/- per month. It is submitted that it was the case of the respondent-tenant in the written statement that he was a tenant and the rent was ₹3,150/- per month. It was



further highlighted that the trial Court vide judgment dated 01.03.2019, had in paragraph 22 observed that there was no dispute that the amount was fixed at ₹3,150/- per month, and the only issue between the parties was as to whether the same was compensation or rent. It is argued that in such a situation, it was incumbent upon the respondent to have paid ₹3,150/- every month till the time he is in possession of the premises and even pay higher amount, as mesne profits, after the passing of the judgment and decree dated 01.03.2019 as after the passing of the said judgment, his possession is unauthorized. It is submitted that since the respondent had not been paying compensation/rent at the rate of ₹3,150/- per month in spite of his above stand, thus, defence of the respondent deserves to be struck off and as a natural consequence, the appeal deserves to be dismissed on the said ground alone.

Learned counsel for the respondent prays for an adjournment to get instructions.

Last opportunity is granted to the respondent to get instructions.

Adjourned to 05.02.2026.

To be taken up immediately after the urgent list.

Interim order to continue till the next date of hearing.

January 28th, 2026”

3. Learned counsel for the respondent has submitted that the application in the present case under Order 15 Rule 5 CPC was filed on 28.05.2019 and the respondent is ready to pay the amount of Rs.3150/- per month from 28.05.2019 upto date and would also pay monthly amount of Rs.3150/- till the time the Ist Appellate Court decides the appeal. It is prayed that the arrears would be paid by the respondent in two installments and the first installment would be paid upto 15.03.2026 and the second installment would be paid on 15.04.2026 and the respondent would also keep paying an amount of Rs.3150/- per month till the appeal is decided.

4. Learned counsel for the petitioner has submitted that she has no objection to the said course of action.



5. Keeping in view the above said facts and circumstances and the fair stand taken on behalf of the petitioner and the respondent, the present petition is partly allowed and the impugned order dated 15.11.2023 is set aside with the following observations / directions :-

- i) The respondent would pay the amount of Rs.3150/- per month to the petitioner from the month of February on or before 15th of every month till the time the first appeal is decided.
- ii) The respondent would also be liable to pay the said amount of Rs.3150/- from 28.05.2019 and the arrears of the same be paid in two installments. The first installment which would be half of the amount which is due, would be paid on or before 15.03.2026 and the second installment which is with respect to the remaining half of the arrears would be paid on or before 15.04.2026.
- iii) In case the said payment is not made, then the stay in favour of the respondent in the first appeal would be vacated.
- iv) This Court has not opined on the merits of main controversy and it would be open to both the parties to raise all pleas in accordance with law.

(VIKAS BAHL)
JUDGE

February 05, 2026.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No