



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

CR-556-2025
Decided on: 11.02.2025

Rohtash

. . . Petitioner

Versus

Devraj and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sanjay Mittal, Advocate for the petitioner.

Mr. Namit Khurana, Advocate for the respondents.

VIKAS BAHL, J.(ORAL)

1. The present Civil Revision Petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 20.01.2025 passed by the Additional District Judge, Rewari vide which the stay application filed by the petitioner/defendant has been dismissed.

2. On 29.01.2025, this Court had passed the following order:-

“Present: Mr. Sanjay Mittal, Advocate for the petitioner.

Inter alia contends that the petitioner would pay the entire amount of arrears of rent at the rate of Rs. 3000/- per month in accordance with the judgment and decree dated 22.10.2024 to the respondents on the next date of hearing in the Court.

Notice of motion for 11.02.2025.

To be taken up in the urgent list.

Notice regarding interim.



Liberty is granted to the petitioner to serve the respondents through dasti process as well as through their counsel appearing before the First Appellate Court.

It is made clear that the said payment be made subject to the rights of the petitioner in the first appeal.

29.01.2025”

3. Learned counsel for the petitioner has submitted that in pursuance of the above order, he has got a demand draft for an amount of Rs.2,09,880/- prepared in favour of respondent No.1-Devraj, which as per him is the arrears of rent at the rate of Rs.3,000/- per month along with interest at the rate of 6% per annum, as ordered by the trial Court. He has handed over the said demand draft to the learned counsel for the respondents, who has accepted the same.

4. Learned counsel for the petitioner has further prayed that in view of the same, status quo with respect to possession be maintained during the pendency of the appeal and that the petitioner would keep paying an amount of Rs.3,000/- per month to the respondents till the pendency of the appeal, but the same should not be construed as an admission by the petitioner that the rent is Rs.3,000/- per month and liberty be granted to the petitioner to raise all the pleas, which are available to him in the appeal.

5. Learned counsel for the respondents has submitted that the grant of interim should not be construed as an expression of opinion on the merits of the case and liberty be granted to the respondents to raise all the pleas, which are available to them, during the course of the appeal.



6. Keeping in view the abovesaid facts and circumstances and the fair stand taken on behalf of learned counsel for the petitioner as well as counsel for the respondents, the present revision petition is disposed of with the following directions/observations:-

- (i) Since the petitioner has handed over a demand draft for an amount of Rs.2,09,880/- to the respondents, the parties are directed to maintain status quo regarding possession during the pendency of the appeal. The grant of said status quo order should not be construed as an expression of opinion on the merits of the case and it would be open to both the parties to raise all the pleas, in accordance with law, before the first Appellate Court and the first Appellate Court would decide the same independently.
- (ii) The petitioner would continue to pay an amount of Rs.3,000/- per month, as held in the judgment dated 22.10.2024 to be the rent per month and the said payment would be subject to the final decision of the appeal.
- (iii) It would be open to both the parties to raise all the pleas with respect to the rate of rent and also on all other aspects which would be considered independently by the First Appellate Court, in accordance with law.

11.02.2025

Pawan/Mehak

**(VIKAS BAHL)
JUDGE**

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