



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.4251 of 2022 (O&M)

Date of Order:14.02.2025

Sharmilee Furnishing Pvt. Ltd.

.Petitioner

Versus

S.N.Bhargava and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aashish Chopra, Sr. Advocate, with
Mr. Varun Aryan Sharma, Advocate
for the petitioner.

Mr. S.N.Bhargava, respondent no.1 in person
through Video Conferencing.

ANIL KSHETARPAL, JUDGE (Oral)

1. Struggle of a decree holder continues even after a period of one and half decades from the date of decree for delivery of possession and recovery of mesne profit for use and occupation of the tenanted premises passed in his favour. The petitioner (tenant) herein was ordered to be evicted by a court decree on 27.02.2010. Thereafter, he filed an application under Order IX Rule 13 CPC to set aside ex-parte decree which was dismissed on 20.04.2018. In the meantime, there was stay of eviction decree in favour of the petitioner. Subsequently, decree holders struggle to get possession continued. Ultimately, warrants of possession were issued. The petitioner alleges that on 07.11.2011, the possession was delivered to the decree holder which the decree holder denies. The decree holder's counsel also withdrew the execution petition. However, subsequently the execution petition was restored. The correctness of restoration of execution petition is



not challenged in this revision petition. The petitioner claims that the landlord orally inducted him as a tenant. Tenancy is always a bilateral contract between the parties. No evidence has been produced to prove that there was any fresh/new tenancy created in favour of the petitioner by the landlord. Mere, acceptance of mesne profits as ordered by the court pursuant to decree passed in 2010 would not result in creation of any new landlord-tenant relationship. The learned counsel representing the petitioner submits that the landlord has been accepting the enhanced rent as per the original agreement. This acceptance would not result in creation of any relationship of landlord and tenant. The suit property is a showroom located in Gurugram which is adjoining National Capital-New Delhi. The petitioner has continued in possession of the property for the last 15 years despite an order of the competent court.

2. Hence, the revision petition is dismissed with costs of Rs.10,00,000/- which shall be recovered from the petitioner and paid to the decree holder by way of arrears of land revenue.

3. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

February 14, 2025

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Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**