



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-8181-CII-2025 in/and
CR-3271-2023 and**

I. MANDEEP SINGH

. . . . Petitioner

Vs.

CHARANJIT KAUR THROUGH HER LEGAL HEIRS

. . . . RESPONDENT

CR-1305-2020

II. MANDEEP SINGH

. . . . Petitioner

Vs.

CHARANJIT KAUR THROUGH HER LEGAL HEIRS

. . . . RESPONDENT

Date of Decision: 28.04.2025

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued by:- Mr. Sandeep Kumar, Advocate, for the petitioner.

Mr. Lakshay Bector, Advocate, for the respondent.

DEEPAK GUPTA, J.

Perusal of the paper-book of both these petitions would reveal that an ejectment petition filed by landlords-Charanjit Kaur and others in respect of demised shop against tenant-Mandeep Singh (*petitioner herein*) was allowed by Id. Rent Controller, Ludhiana vide his order dated 20.12.2018. Against this order, he filed an appeal bearing RA-31-2019 before learned Appellate Court, Ludhiana.

2. In the aforesaid appeal, an application was moved by the landlords to direct the appellant-tenant to make payment of mesne profit. That application was allowed vide order dated 05.12.2019 directing the appellant before the Appellate Court i.e., petitioner herein to pay mesne profit @ ₹6,000/- per month w.e.f. 01.12.2019 onwards.

3. The aforesaid order dated 05.12.2019 has been assailed by the petitioner-tenant by filing CR-1305-2020.

4. Apart from above, along with the appeal bearing RA-31-2019, petitioner-tenant had also moved an application for staying the operation of the ejectment order dated 20.12.2018 till decision of the appeal. Said tenant filed CR-3271-2023 for directing the appellate authority to decide the said stay application and also to protect his possession till decision of the appeal. Prayer was also made to stay the operation of the order dated 17.05.2023 passed by the Executing Court, in the execution proceedings filed by the landlords to recall the warrants of possession.

5. By way of the order dated 25.05.2023 passed in CR-3271-2023, a Coordinate Bench of this Court issued notice of motion returnable on 12.07.2023 and in the meantime directed the Executing Court to adjourn the case beyond the date given by this Court. Matter was directed to be listed along with CR-1305-2020.

6. On 09.04.2025, both these petitions were taken up together. It was pointed out by counsel for the respondents herein i.e., the landlords that the main appeal itself i.e., RA-31-2019 had been dismissed in default on 23.09.2022; and even the application for restoration had also been dismissed by the Appellate Court on 09.04.2024. Copy of the said order dated 09.04.2024 passed by Appellate Authority was placed on record. It was submitted that in view of these circumstances, both these petitioners had become infructuous. Although, on the request of counsel for the petitioner, matter was adjourned for today, but the interim order granted earlier by this Court was vacated.

7. Now CM-8181-CII-2025 in CR-3271-2023 has been moved by the petitioner of both the petitions i.e., tenant to recall the order dated 09.04.2025; and to restore the interim order dated 25.05.2023. It is submitted that though the appeal bearing RA-31-2019 was dismissed in default and thereafter restoration application bearing CM-3211-2022 was dismissed in default on 09.04.2024, but the petitioner has already moved an application for restoration

of CM-3211-2022 in Rent Appeal No.31 of 2019, which is now pending for 15.07.2025 and therefore, the interim order earlier passed by this Court be restored by recalling the previous order dated 09.04.2025.

8. After hearing learned counsel for the petitioner, this Court finds absolutely no merit in the contention. It is apparent from all the aforesaid facts and circumstances of the case and the conduct of the petitioner that the only objective of the petitioner is to delay the proceedings so as to protect his possession as long as possible, against the ejectment order passed by the Rent Controller. As is apparent, the Rent Appeal filed by him against the ejectment order was dismissed in default by the appellate authority way back on 23.09.2022 and even the application for restoration of the appeal was dismissed on 09.04.2024. Simply because he has moved an application for restoration of that application for restoration of the appeal, cannot be a ground for recalling the order dated 09.04.2025 of this Court, particularly when as per the admitted position, the Rent Appeal No.31 of 2019 has already been dismissed in default.

9. As such, the application bearing **CM-8181-CII-2025** is hereby dismissed. Both the petitions [**CR-3271-2023 and CR-1305-2020**] are also hereby dismissed having been rendered as infructuous.

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

**(DEEPAK GUPTA)
JUDGE**

28.04.2025

Vivek

Whether speaking/reasoned?	Yes
Whether reportable?	No