

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.2189 of 2014

Date of decision : 19.11.2015

Sohan Lal Sharma

...Petitioner

Versus

Onkar Nath

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Rajinder Sharma, Advocate for the petitioner.

Mr. Sudeep Mahajan, Advocate for the respondent.

AMIT RAWAL, J. (Oral)

Challenge in the present petition is to the order dated 06.12.2013, whereby Learned Additional District Judge, Fast Track, Amritsar has stayed the operation of the impugned judgment and decree dated 05.09.2013, whereby counter claim filed by the petitioner, has been decreed.

Mr. Rajinder Sharma, learned counsel appearing on behalf of the petitioner submits, that Appellate Court did not grant the mesne profits while staying the operation of the impugned judgment and decree and,

therefore, order is bad in law despite there being specific prayer.

Mr. Sudeep Mahajan, learned counsel appearing on behalf of respondent submits, that present revision petition is not maintainable as there was no separate application moved by the Decree Holder for claiming the mesne profits. The order of stay has been passed in their presence. Once the operation of the impugned judgment and decree of the possession has been stayed in the absence of any application for claiming the mesne profits, decree holder cannot claim the mesne profits.

I have heard learned counsel for the parties and appraised the paper book.

It is a matter of record that appeal aforementioned is pending adjudication and is slated for final arguments. Decree holder-petitioner has not moved any application for determination of the mesne profits. It does not lie in the mouth of the petitioner to the claim of mesne profits or to allege that before lower appellate Court plea/submission has not been considered in the absence of any application and without giving any notice to the judgment debtor. Such plea cannot be believed. Impugned order cannot be said to have been passed without jurisdiction.

Accordingly, revision petition against the order non-granting of mesne profit while staying the operation of impugned judgment and decree in the presence of the parties to the lis, is dismissed.

19.11.2015

pawan

**(AMIT RAWAL)
JUDGE**