

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

C.R. No.1541 of 2016 (O&M)

Date of Decision : 30.03.2016

Smt. Sarla

..... Petitioner

Versus

Umed Singh Verma and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Akshay Kumar Goel, Advocate
for the petitioner.

Mr. Sandeep Goyat, Advocate
for the respondent No.1.

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

AJAY TEWARI, J. (Oral)

This revision has been filed against the order dated 16.11.2015 passed by the Appellate Authority, Bhiwani whereby the application filed by the petitioner-landlord for fixing mesne profits was ordered to be heard alongwith the main appeal filed by the respondent No.1-tenant against the eviction order.

On 27.02.2016 the following order was passed:-

“This petition has been filed with the prayer that even though the landlord has filed an application for mesne profits on the first date of appearance yet the appellate authority has

not decided the same and has ordered it to be heard alongwith the main case.

As per learned counsel the main case may not be decided in the near future and for this entire period the tenant can not enjoy the premises at the contractual rent even after the termination of the relationship.

Notice of motion for 21.03.2016.

Let the respondents be served through their counsel in the appellate Court by way of dasti process.

To be shown in the urgent list.”

Learned counsel appearing for the respondent No.1 is not in a position to deny the validity of the aforesaid argument.

It cannot be gainsaid that an order of fixing mesne profits is an interim order subject to any final order passed by the Court. In such circumstances, the approach of the Appellate Authority to decide the said application with the main case is completely uncalled for.

Resultantly, the impugned order is set aside and it is directed that the application for fixing mesne profits be decided expeditiously as per the materials on record.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

March 30, 2016

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**(AJAY TEWARI)
JUDGE**