

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2320-2015 (O&M)

Date of decision : 01.03.2016

Jaswinder Singh

..... Petitioner

versus

Gurpreet Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Arvind Singh, Advocate
for the petitioner.

Mr. S.P.S.Bhullar, Advocate
for the respondent.

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 petition has been filed against the award of mesne profits
of Rs.50,000/- per month. On 06.04.2015 the following order was passed :-

*“The counsel for the petitioner states that the petitioner
will make the payment of 50% of the amount as determined by the
Court below within ten days from the date of receipt of copy of
this order and he will continue to pay at the same rate during the
pendency of the civil revision till it is otherwise modified by the
orders of Court. The said statement is recorded.*

Notice of motion for 20.08.2015.

Interim stay on condition that 50% of the amount is deposited by the petitioner within a stipulated period of 10 days and if the amount is not paid as undertaken, the stay granted will stand vacated.

This order shall not operate to fetter the power of the Court to dispose of the appeal itself, if it becomes ripe for disposal.”

Today with the intervention of learned counsel this matter has been settled. Learned counsel for the respondent states that the petitioner is only interested in delaying the proceedings. Learned counsel for the petitioner, however, stoutly denies this fact and states that the petitioner would have no objection if the appeal pending before the Court below is decided within some stipulated time.

Keeping in view this statement, learned counsel for the respondent has stated that the appeal is of 2015 and it can be decided on or before 30.04.2016. He would not oppose the continuation of the interim order provided that in case the issue of mesne profits arises again this order shall not be binding on either of the parties. Learned counsel for the petitioner has accepted this. The mesne profit awarded by Court below are modified in terms of the interim order dated 06.4.2015 only during pendency of the appeal.

Learned counsel for the petitioner has undertaken that the petitioner shall not seek any adjournment and will argue the case on the next date. Learned counsel for the respondent obviously states that he would also not seek any adjournment. The appellate authority is therefore directed

to decide the appeal finally on or before 30.04.2016. It is also clarified that the order of mesne profits would not be binding on either party after the decision of the appeal.

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

March 01, 2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**