

239 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-771-2016 (O&M)
Date of decision : 30.03.2016

Jaimal and others

..... Petitioners

versus

Neena Rani

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. K.S.Khehar, Advocate
for the petitioners.

Mr.C.B.Goel, 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 revision has been filed against the order of the appellate authority whereby while granting stay the petitioners have been ordered to pay mesne profits @ Rs.1,000/- per month w.e.f. June, 2010.

Learned counsel for the petitioners has argued that he has no objection to the computation of mesne profits but in this case the eviction order was passed on 08.07.2015 and mesne profits have been ordered to be paid w.e.f. June 2010. He has relied upon *M/s Atma Ram Properties (P) Ltd. Vs. M/s Federal Motors Pvt. Ltd., reported as 2005 (1) RCR (Rent) 1, Anderson Wright and CO. Vs. Amar Nath Roy and others, reported as AIR 2005 SC 2457, Crompton Greaves Ltd. vs. State of Maharashtra,*

(2005) 11 SCC 547; Achal Misra vs. Rama Shanker Singh and others, (2005) 5 SCC 531; Pradeep Kumar vs. Hajari Lal, (2008) 3 SCC 299, Niyaz Ahmad Khan Vs. Mahmood Rahmat Ullah Khan and another, 2008 (1) RCR 596 (SC), The State of Maharashtra and another Vs. Super Max International Pvt. Ltd. and others, reported as AIR 2010 SC 722 and Chandrakant Dhannu Vs. Sharmila Kapur, passed in Writ Petition No.6858 of 2008, decided on 07.01.2009 to contend that it has been uniformly held that mesne profits would have to be paid from the date the eviction order has been passed, since it is only from that date the tenant can be deemed to be in illegal occupation of the same.

Learned counsel for the respondent is not in a position to refute this argument. He has, however, argued that the respondent had accepted the figure of Rs.1,000/- only because it had been ordered to be paid w.e.f. June, 2010 and had it be paid w.e.f. July 2015 he would have insisted on a higher amount. Learned counsel for the respondent has further pointed out that till date neither rent has been paid nor any mesne profits have been paid.

Learned counsel for the petitioners has stated that the entire rent and mesne profits would be paid on or before the next date of hearing.

Be that as it may, the relief sought by learned counsel for the respondent can not be granted in the present case and the respondent would be at liberty to seek any relief which he may claim in independent proceedings.

Consequently, the present petition is allowed and it is held that the mesne profits would be payable only w.e.f. the date of eviction orders.

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

March 30, 2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**