

Amar Kaur (deceased) through LRs and others
vs.
Jasbir Singh and others

Present: Mr. Rohit Nagpal, Advocate for
Mr. Santosh Sharma, Advocate
for the appellants.

Mr. Ved Priya Malik, Advocate for
Mr. S. D. Sharma, Advocate
for the respondents.

On July 30, 2012, this Court had passed the following order:-

“C.M.No.8738-C of 2011

Heard the submission made on either side.

The application is filed by the appellant plaintiffs seeking permission to withdraw the amount deposited as mesne profit by the respondent before this Court pursuant to the order passed by this Court as well as by the Hon'ble Supreme Court of India.

Learned counsel appearing for the applicant would submit that in the SLP the Hon'ble Supreme Court of India having taken into consideration only the limited question revolving around the quantum of mesne profit of Rs.10,000/- per acre per annum fixed by this Court. Of course in the interim order that was passed by Hon'ble Supreme Court on 14.05.2008, the respondents-defendants were directed to deposit the mesne profit of Rs.1500/- per acre per annum, pending final decision as regards the quantum of mesne profits. After hearing both the parties, the Hon'ble Supreme Court by its final order dated 27.08.2010 reduced the quantum of mesne profits to Rs.5000/- per acre per annum and directed the defendants to deposit balance of mesne profits in the High Court within two months.

Admittedly the possession is with the defendants. Keeping that in mind this Court has directed payment of mesne profits directly to the plaintiffs appellants. The

Hon'ble Supreme Court also thought it fit, while issuing notice to the other side, to direct the respondents-defendants to deposit a part of the mesne profits ordered by this Court into Court. Only for the convenience of the parties, even while passing the final order, the Hon'ble Supreme Court directed the defendants-respondents to deposit the remaining balance amount in the High Court within a time framed fixed by it. That does not mean that the Hon'ble Supreme Court has modified the direction issued to the defendants by this Court to pay the mesne profits directly to the plaintiffs. The above view is fortified by the fact that the Hon'ble Supreme Court has issued notice in SLP only to consider the issue as to whether the quantum of mesne profits fixed by this Court was correct or not.

In view of the above, I find that the appellants are entitled to withdraw the amount deposited by the defendants and also to receive the annual mesne profits fixed by the Hon'ble Supreme Court directly from the respondents-defendants. The registry shall disburse the amount of mesne profits deposited by the defendants to the appellants.

Application is allowed.”

In compliance of the afore-quoted order, the amount of mesne profits deposited upto 30.07.2012 are required to be disbursed to the appellants but since for the deposits made thereafter, there was no order of the Court, the Registry has put up the matter with regard to the disbursement of the same.

The order dated 30.07.2012 has become final. There has also not been any intervening circumstance, after the passing of the afore-quoted order which would lead to the passing of any other order.

That being so, the amount of mesne profits deposited by the respondents in the Registry of this Court, in terms of the afore-quoted

order be disbursed to the appellants. However, before such disbursement, the Registry may satisfy itself with regard to the identity of the recipients and their entitlement.

**(DEEPAK SIBAL)
JUDGE**

November 13, 2017
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