

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

**RA-RS No.123-C of 2016 in
Regular Second Appeal No.3320 of 1987.
Date of Decision: February 02, 2017**

Raj Singh (Deceased) through LRs and others

.....APPELLANT(s).

VERSUS

State of Haryana and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashok Verma, Advocate
for the review applicants-appellants.

SURINDER GUPTA, J.

This is application filed by appellants in Regular Second Appeal No.3320 of 1987 seeking review of judgment dated 10.08.2016 passed in the above mentioned appeal.

Learned counsel for the applicants-appellants argues that this Court, while dismissing the appeal, has allowed mesne profits of the suit land for the period during which the dispossession of the applicants-appellants remained stayed under the order of this Court. No such relief could be allowed to the respondent-State while dismissing the appeal as they have not filed any cross-objections.

In the judgment dated 10.08.2016, it was observed that the applicants-appellants are in unauthorised possession of the suit land, which is owned by the respondent-State. The dispossession of the applicants-

appellants from the suit land was stayed under order dated 03.11.1987 passed in this appeal. Keeping in view this fact, they were held liable to pay the mesne profits for retaining possession of the suit land from 03.11.1987 till the date they are evicted.

The submission of learned counsel for the applicants-appellants that in the absence of any cross-objections no such relief can be allowed, is misplaced because of the fact that dispossession of the applicants-appellants was stayed by this Court vide order dated 03.11.1987, as such, the respondents-defendants could not proceed against the applicants-appellants till the disposal of the appeal. Keeping in view this fact, the applicants-appellants, who had remained in possession of the government land for a period of 29 years under the order of this Court without payment of any amount towards its use and occupation, were held liable to pay the mesne profits. The order passed in this regard is consequent effect of the dismissal of the appeal.

Learned counsel for the applicants-appellants has relied upon certain citations in support of his contention, which are enumerated as follows:-

“Siddu Venkappa Devadiga Vs. Smt. Rangu S. Devadiga and others 1977(3) SCC 532; Sowarno Devi Vs. Tilak Ram etc. 1982 CurLJ(CCR) 153; Hazara Singh and another Vs. The Punjab State and others 1969 PLR 534; Banarsi and ors. Vs. Ram Phal 2003(9) SCC 606”.

I have perused the above citations, which are not applicable to the facts and circumstances of the present case as no new case has been

As a sequel of my above discussion, the application filed by the review applicants-appellants has no merits.

Dismissed.

February 02, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***