

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

C.R No. 4304 of 2018(O&M)

Date of decision :08.10.2018

Mukesh Chand

..... Petitioner

Versus

Gurcharan Singh

..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.M.K.Singla, Advocate
for the petitioner.

Mr. Vijay Kumar Garg, Advocate
for the respondent.

LISA GILL,J

Petitioner is aggrieved of order dated 11.05.2018, whereby *mesne* profits to the tune of ₹6500/- per month have been assessed by the learned Appellate Authority, Sangrur.

It is submitted that the amount has been assessed on the basis of a lease agreement produced by the landlord on 11.05.2018 itself. No opportunity, it is submitted, was afforded to the petitioner to present any document in his favour. The petitioner merely seeks that both the parties be afforded an opportunity to present their respective sides in this respect and the said amount be fixed, thereafter.

Learned counsel for the respondent is unable to dispute that no specific opportunity was afforded to the petitioner to present any document in his favour. The respondent has not raised any serious objection, in case, one opportunity is afforded to both the parties to present any document/lease deed etc., for proper determination of the

mesne profits, though maintaining that the learned Appellate Authority has rightly assessed the same.

Keeping in view of the facts and circumstances of the case as well as the stand of the parties, order dated 11.05.2018, passed by the learned Appellate Authority, Sangrur, is set aside. Learned Appellate Authority, Sangrur, shall afford one effective opportunity to the petitioner as well as to the respondent in this respect and thereafter assess the *mesne* profits in accordance with law. The exercise to be concluded by the learned Appellate Authority within two months from the date of receipt of certified copy of this order.

Petition is accordingly disposed of.

08.10.2018

s.khan

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No