

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.3628 of 2017 (O&M)

Date of decision: 29.10.2019

Guman Singh and another

...Petitioners

Versus

Manga Singh and others

...Respondents

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Rohit Nagpal, Advocate for the petitioners.

Mr. Kanwaljit Singh, Senior Advocate with
Mr. Anil Bhateja, Advocate for respondent No.1.

B.S. WALIA, J. (Oral)

1. Challenge in the revision petition is to order Annexure P/6 dated 05.05.2017, passed by the learned Civil Judge (Junior Division), Karnal, whereby the objections filed by the petitioners/objectors have been dismissed and warrants of possession issued for execution on or before 20.05.2017.

2. During the pendency of the revision petition, an application bearing CM No.11789-CII of 2017, has been filed by respondents/decreed holders praying for following relief:

i) for preponing the above mentioned revision petition.

ii) for directing the symbolic possession subject to partition in a time bound manner as the partition proceedings are pending and adjourned sine die.

iii) for the grant of mesne profits as determined by this Court keeping in view the market trends and value of the land.

3. Learned counsel for the respondents/decreed holders states that he restricts his relief to directions for grant of symbolic possession subject to partition in a time bound manner and for grant of mesne profits to be determined by the Court keeping in view the market value and rent of the land. Learned counsel states that infact the Assistant Collector has ordered partition and grant of physical possession in favour of the respondents/decreed-holders but against which an application has been filed by the petitioners before the Financial Commissioner (Revenue), Haryana.

4. Learned counsel for the parties are in agreement that the matter can be disposed of by granting liberty to the respondents/decreed-holders to file an application for grant of mesne profit before the learned Financial Commissioner (Revenue), Haryana, who may be directed to decide both the appeal as well as application for grant of mesne profit in a time bound manner.

5. In view of the position as noted above, the revision petition is disposed of. Liberty is granted to the respondents/decreed-holders to file an application for mesne profits before the learned Financial Commissioner (Revenue), Haryana who on receipt of the application as well as objections to the same, would consider and decide the appeal as well as application as expeditiously as possible

preferably within a period of six weeks from the date of submission of
certified copy of this order.

(B.S. WALIA)
JUDGE

29.10.2019
rajesh.k.khurana

1. Whether speaking/reasoned

:

Yes/No.
2. Whether reportable

:

Yes/No.