

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

116

CR No.6978 of 2019

Date of decision : 30.01.2020.

Balwant Singh

... Petitioner

Versus

Harpal Singh and others

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Kanwal Goyal, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has impugned the order dated 02.08.2019 passed by the Civil Judge (Senior Division), Amritsar, whereby the mesne profits have been assessed to the extent of ₹12,32,394/- and the applicant/respondent No.1 have been directed to furnish the security for the said amount.

Learned counsel for the petitioner contends that the petitioner had preferred the application for assessment of mesne profits in the year 1999 and therefore, the mesne profits should have been assessed three years prior to the application. He also contends that the mesne profits which have been assessed are inadequate as the suit land is about 7.5 acres of *chahi* land.

Heard.

A perusal of the material on record shows that the petitioner had himself furnished the certificate issued by the Tehsildar, Amritsar Ex.RW-4/3 which indicated that the annual agricultural income of the land is ₹65,000/- per acre. AW-1 Maninderjit Singh, Office Kanungoo, Amritsar had also brought on record *Takmina Pedawer* of the suit property measuring 60 kanals and had stated that annual income is about ₹65,000/- per year per acre for both the

crops. The Executing Court after assessing the income on the basis of these documents, has determined the mesne profits @ 1/3rd of the total income and the applicant/respondent No.1 has been directed to furnish security for the amount. It has also been held that 2/3rd of the total income should go to the person who is cultivating the land and is bearing expenses for the same. The total sum of ₹12,32,394/- per year has been assessed which in the aforementioned facts and circumstances appears to be just and reasonable and does not call for any interference while exercising revisional jurisdiction.

Consequently, the petition stands dismissed.

Needless to mention that these observations are only for the purpose of deciding this petition and shall have no bearing on the merits of the controversy in question in the regular second appeal which is pending adjudication.

(ANUPINDER SINGH GREWAL)
JUDGE

January 30, 2020

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