

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

105

CR No.14320 of 2018

Date of decision : 03.03.2020.

Dr. Paramjit Singh

... Petitioner

Versus

Mohinder Singh and another

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Aman Pal, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 25.10.2018 whereby while allowing the application for stay of the decree during the pendency of the appeal, the Appellate Court has directed him to pay the monthly mesne profits as assessed by the trial Court.

Learned counsel for the petitioner contends that the assessment of mesne profits by the trial Court was without any basis as proper evaluation of mesne profits has not been done by the trial Court while arriving at the figure of ₹5,000/- per month. He also contends that he is ready to deposit the mesne profits before the Appellate Court instead of paying the same to the respondents.

Heard.

The petitioner is stated to have taken the demised premises on rent in the year 1988 for a sum of ₹100/- per month. The area of the demised premises has been described as 8'x19'5" which is 156 square feet. The petitioner is stated to be in the business of publishing a newspaper by the name

of 'Daily Garjdi Saver'. The petitioner is the Chief Editor of the newspaper and in the demised premises, he is running the office and publishing newspaper. He is also in occupation of other two floors above the premises. The certificate of registration of newspaper 'Daily Garjdi Saver' issued by the Registrar of Newspapers of India had also been produced on record before the trial Court as Ex.P2 and Ex.P3. The premises is situated in Anardana Chowk which is busy commercial area of Patiala

In view of the petitioner running an office and publishing newspaper from the demised premises which is situated in a commercial area, the assessment of ₹5,000/- as mesne profits and direction to the petitioner to pay the same to the respondent while staying the execution of the decree cannot be said to be illegal warranting interference in revisional jurisdiction.

Consequently, I do not find any merit in this petition, which stands dismissed.

However, it is clarified that nothing which has been observed hereinbefore shall have any bearing on the merits of the case.

(ANUPINDER SINGH GREWAL)
JUDGE

March 03, 2020
sonia gugnani

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