

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

**Civil Revision No. 8370 of 2018
DATE OF DECISION :- May 20, 2020**

(Proceedings conducted through Video Conference)

Renu Anand

...Petitioner

Versus

Mrs. Poonam Ghai and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Rajesh Anand, Special Power of Attorney
for the petitioner.

Mr. Rahul Sharma, Advocate for the respondents.

Under Challenge in this revision petition is order passed by
Civil Judge (Junior Division), Pathankot which is for ready reference is
being reproduced as under :-

“Counsel for plaintiff intimated that one issue with regard
to jurisdiction of the Court to decide counter claim is not
framed. Issue framed accordingly. Red ink note regarding
addition of issue in the list of issues already framed be given by
Ahlmad.

Sh. Ajay Dadhwal counsel for counter claimant presses for
interim mesne profits at this stage. The pleadings of the parties
both plaintiff and defendant/counter claimant shows that there
are disputed questions of fact which require evidence, before
the claim of mesne profit of counter claimant is allowed. At this

stage, there is nothing on file to assess mesne profit. The specific issue with regard to mesne profit is already framed by the Court and it will be decided after taking on record evidence of both the parties. At this stage, prayer for interim mesne profit is declined.

Adjourned to 20.12.2018 for plaintiff evidence. The counter claim on record be also registered separately.”

I have heard Mr. Rajesh Anand, Special Power of Attorney for the petitioner, learned counsel for the respondents besides going through the record.

The trial in the suit is going on. Only on conclusion of trial it can be determined as to version of which party is correct and to what extent. The trial Court has rightly observed that the evidence is required to be recorded for arriving at a firm conclusion so as to determine the entitlement of the counter claimant to mesne profits. There is no illegality, ambiguity or irregularity in the order which might have called for interference by this Court therewith. The case is stated to be at the stage of evidence.

Thus finding no merit in the revision petition, the same stands dismissed. However, the trial Court is directed to conclude the trial expeditiously by giving short adjournments.

(H.S. MADAAN)
JUDGE

May 20, 2020
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No