

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 1775 of 2019

Date of Decision: 10.05.2022

Mohan Singh Bassi

... Petitioner(s)

Versus

Chetan Dass

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Karan Gupta, Advocate
for the petitioner(s).

Mr. Rajnish Gupta, Advocate
for the respondent.

Anil Kshetarpal, J.

1. In a civil suit filed by the plaintiff, the respondent (tenant) was ordered to be ejected and he was made liable to pay *mesne profits* @ ₹3,000/- per month from the date of filing of the suit till the date of delivery of possession. The first appeal, filed by the respondent, was dismissed on 10.10.2017. In the regular second appeal, the respondent undertook to vacate the premises and hand-over the physical possession thereof by 15.09.2018. He also undertook to file an undertaking before the Court below. In case the conditions are fulfilled, the respondent was made liable to pay ₹50,000/- only, as *mesne profits*. The respondent did not comply with the afforesaid undertaking. In the execution petition, the petitioner was delivered the possession of the tenanted premises. A sum of Rs.50,000/- has also been recovered. The petitioner claims that as per the decree passed by the trial

Court, which has been affirmed by the First Appellate Court and by the

Second Appellate Court, he is entitled to recover the amount of *mesne profits* @ ₹3,000/- per month from the date of filing of the suit till the date of delivery of possession. The Executing Court has disposed of the execution petition while observing that the litigation must come to an end. It will be noted here that the decree, as passed, has not been executed.

2. The learned counsel representing the respondent submits that the respondent is a poor person.

3. Keeping in view the aforesaid facts, the order passed by the Executing Court is set aside and the revision petition is disposed of with a direction to the Executing Court to reconsider the matter. The respondent shall be at liberty to take a plea in this regard before the Executing Court which shall be considered sympathetically. The parties, through their learned counsel, are directed to appear before the Executing Court on 26.05.2022.

(Anil Kshetarpal)
Judge

May 10, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No