



A.No.5174 of 2024 in C.S No.522 of 2013

WEB CO **C.V.KARTHIKEYAN,J**

The said application has been filed seeking a direction against the respondent to pay mesne profit with respect to their occupation in the suit schedule property.

2.It is contended that in the final decree application, the respondent has paid the market value of the share to which the plaintiffs had sought in the suit. In the said application seeking final decree in A.No.2499 of 2016, the value of the share of the applicants herein had been determined and that had been paid by the respondent. They had also sought the relief of mesne profit to the applicants. Unfortunately, when the order was passed, the issue of mesne profit was not taken up by the Court. The learned counsel for the applicants had made a representation and sought liberty to file a separate application for mesne profits. That opportunity was given to the applicants. Consequent to that, the present application is filed.

3. The learned counsel for the applicants placed reliance on the market value assessed by the learned Advocate Commissioner following the procedure as stipulated under Section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960. But, however, the rental income per month must be determined. The learned counsel stated that it would be 9% of the market value. That has to be established by way of evidence before the learned Master. If the respondent have any



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objection, they may put up question and the court can adjudicate the monthly rent and the period from which the said amount is payable to the applicants.

4. In view of this view taken, list the matter before the Master. The witness and the applicants are directed to appear on 23.07.2025, for the limited purpose of adducing evidence and that to be taken orally relating to the monthly rental value of the building and the period from which the mesne profit is sought. The evidence need not travel beyond those particulars. The witness may be cross examined either on the same day or on 30.07.2025. After recording the evidence, the learned Master may forward the papers to this Court on 05.08.2025.

5. The respondent are put on notice that they should ensure that the property is retained as it is now till 05.08.2025

6. Call on 05.08.2025.

16.07.2025

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A.No.1574 of 2024 in

C.S No.522 of 2013