[237] **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

[1] RSA-2032-2011 (O&M)
Date of Decision : 09.12.2025

Ved Parkash (deceased)
through his LRs and others …Appellants

versus

Gian Chand and others ….Respondents

[2] RSA-5909-2014 (O&M)

Ved Parkash (deceased)
through his LRs and others …Appellants

versus

Gian Chand and others ….Respondents

[3] RSA-3157-2016 (O&M)

Ved Parkash (deceased)
through his LRs and others …Appellants

versus

Gian Chand and others ….Respondents

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Rajinder Goyal, Advocate for the appellants.
(In all the appeals.)

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PANKAJ JAIN, J. (ORAL)

[1] These three appeals raise a common issue between the same parties arising out of the same set of facts and circumstances. The appeals pertain to three different suits filed seeking recovery of *mesne profits* for different periods. Thus, all three appeals are being adjudicated by common order.

[2] At the outset, learned counsel for the appellants submits that the only issue that needs to be considered is:-

> *"whether the Courts below erred in awarding interest on the mesne profits from the date of institution of the suit or the same should have been granted from the date the same became due."*

[3] Reliance is being placed upon judgment rendered by this Court in **RSA-3889-2008** dated 15.03.2010 pertaining to a dispute between the same parties, wherein this Court observed as under:-

> *" Coming to substantial question of law no.2 framed herein above, learned counsel for the appellants contended the definition of mesne profits, as contained in Section 2 (12) CPC itself, says that 'mesne profits' means the profits together with interest thereon and thus, interest is part of the mesne profits, to which the plaintiffs are entitled to. Reliance in support of this contention has been placed on a judgment of Hon'ble Supreme Court in the case of **Mahant Narayana Dasjee Varu and others vs. The Board of Trustees Tirumalai Tirupathi, Devasthanam and others** reported as **AIR 1965 Supreme Court 1231**, wherein also it was held that interest is an integral part of mesne profits and has therefore to be allowed in the computation of mesne profits itself. However, it was also laid down that rate of interest is discretionary and is covered by Section 34 CPC.*
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> *In view of definition of mesne profits, as contained in Section 2 (12) CPC and interpretation thereof by Hon'ble Supreme Court in the case of **Mahant Narayana Dasjee Varu and others (supra)**, the appellants are also entitled to interest on mesne profits and therefore, the second substantial question of law framed herein above is also answered in favour of the appellants. interest on*
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> *Now, coming to the computation of the mesne profits for uncultivated part of the land during the relevant crops, learned counsel for the parties jointly submit that as per their calculation, the amount comes to Rs.53,540/-, of which the plaintiffs are entitled to 1/4th share i.e. Rs.13,385/-. As regards rate of interest, in my considered opinion,*

> *appellants should be awarded interest @ 9% per annum on amount of mesne profits (including that awarded by the trial court as enhanced by this Court) from the due dates i.e.15th December and 15th June each year till 25.08.2007 - the date of decision of the trial court and thereafter @ 6% per annum till recovery. It is ordered accordingly. "*

[4] In view of the above, the appeals are **disposed off**, by modifying the decree to the extent that the appellants would be entitled for interest @ 9% per annum on the amount of the *mesne profits,* as awarded by the learned Trial Courts from the due dates i.e. 15th December and 15th June of each year, till the date of decree and 6% future interest, till the date of final realization.

[5] All pending miscellaneous application(s), if any, stands *disposed off.*

[6] Photocopy of this order be placed on the file of connected cases.

(PANKAJ JAIN)
JUDGE

09.12.2025
'R. Sharma'

Whether speaking/ reasoned : Yes/No
Whether reportable : Yes/No