

by the petitioners-defendants, in which an application for the grant of *mesne* profits was moved. The said application was decided by the Court of Addl. District Judge, SAS Nagar (Mohali) vide order dated 26.02.2024. Rs.10,000/- each were determined as *mesne* profits for the *rehri* sites and the petitioners-defendants were called upon to deposit the same within a period of 30 days. On account of non-deposit of the same, the stay granted to the petitioners-defendants was vacated vide order dated 31.05.2024.

4. I have heard learned counsel for the parties.

5. A bare perusal of the order dated 26.02.2024 shows that it is bereft of any reasons. No doubt, no lease deeds etc. were produced by either sides. However, even then, the methodology adopted by the Addl. District Judge, SAS Nagar (Mohali) is erroneous. It is also pointed out by learned counsel for the respondents that a copy of the statement of the petitioners had been produced before the Court of Additional District Judge, SAS Nagar (Mohali), in which the petitioner (Sri Niwas Singla) himself had stated that he had taken another *rehri* site on rent and that its rent in 2021 when the statement was given, was Rs.5,000/- per month. However, no reference was made to the said statement in the order dated 26.02.2024. Some criteria was required to be adopted rather than taking judicial notice of certain things. Courts of law are to decide issues in accordance with law and not on whims and fancies.

6. Faced with the situation, learned counsel for the parties are *ad idem* that the matter be remitted to the Court of Additional District Judge, SAS Nagar (Mohali) for a fresh decision on the application for the grant of *mesne* profits.

7. Learned counsel for the respondents undertakes that till the said application is decided, they will not press for eviction of the petitioners.

8. That being so, the order dated 26.02.2024 and the order dated 31.05.2024 passed by the Court of Additional District Judge, SAS Nagar (Mohali) are set aside. The matters are remitted to the Court of Additional District Judge, SAS Nagar, SAS Nagar (Mohali) to decide the application for the grant of *mesne* profits afresh in accordance with law and after considering the documents relied upon by both sides. The needful be done within a period of three months.

9. Needless to assert that the application shall be decided on its own merits keeping in view the arguments to be addressed by both sides, be it on the quantum of the *mesne* profits or the issue as to whether *mesne* profits would be payable or not.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

February 19, 2026
vcgarg

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