



CR-6233 of 2025

IN THE HIGH COURT OF PUNJAB AND HARYANA ATCHANDIGARH

CR-6233 of 2025 (O&M)

Decided on : 08.09.2025

Naveen Chander

.....Petitioner

Versus

Ms/ Baldev Singh & Surinder Singh through LRs

.....Respondents

CORAM : HON'BLE MR.JUSTICE DEEPAK GUPTAPresent: Mr. Divyanshu Mehta, Advocate
For the petitioner.**DEEPAK GUPTA, J.**

The petitioner herein, who was the plaintiff before the Trial Court and is presently the respondent before the First Appellate Court in the appeal filed by the respondents, assails the order dated 14.07.2025 (Annexure P-4), whereby execution of the decree was stayed subject to payment of mesne profits @ ₹1000/- per month.

2. Learned counsel for the petitioner submits that the suit for redemption of the shop in dispute was decreed in his favour on 21.10.2024. The defendants, i.e., respondents herein, preferred an appeal (Annexure P-2) before the First Appellate Court wherein they set up a plea of tenancy at ₹550/- per month, denying the mortgage. On consideration of rival contentions, the Appellate Court, on noticing that mixed question of facts and law was involved, stayed the execution proceedings subject to the condition that the appellants (respondent herein) pay mesne profits @ ₹1000/- per month.

3. The grievance of learned counsel for the petitioner is that the mesne profits fixed at ₹1000/- per month are inadequate and disproportionately low, thereby rendering the impugned order unsustainable.

**CR-6233 of 2025**

4. However, it is not in dispute that the impugned order is in the nature of an interim arrangement operative only during pendency of the appeal. The Appellate Court, keeping in view the stand of the appellants (respondents herein) that they were tenants @ ₹550/- per month, fixed mesne profits at ₹1000/- per month as a provisional measure. In the event, that the prevalent market rate of rent is higher, the petitioner retains the liberty to move an application before the First Appellate Court seeking appropriate enhancement; it would then be open to the Appellate Court to reconsider and pass appropriate orders in accordance with law.

5. This Court finds no infirmity, illegality, or perversity in the reasoning adopted by the First Appellate Court warranting interference under the revisional jurisdiction. Consequently, the present revision petition, being devoid of merit, stands dismissed.

(DEEPAK GUPTA)
JUDGE

08.09.2025

Jiten

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