

2025:PHHC:042944



S. No.227

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.6851 of 2019 (O&M)

Date of Decision:28.03.2025

Gurminder Kaur

.....Petitioner

Vs.

Darshna Devi and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ish Puneet, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner.

Mr. M.S. Sachdev, Advocate,
Ms. Meher Sachdev, Advocate and
Mr. Rahul Sachdev, Advocate
for the respondents.

DEEPAK GUPTA, J. (Oral)

Suit for possession and recovery of ₹2,40,000/- as damages/ compensation/ mesne profit as filed by plaintiffs – Darshna Devi and others (respondents herein) was decreed by the trial Court on 28.01.2019 whereby, apart from direction to the defendants (appellants herein) to hand over the vacant possession of the property, they were further directed to pay mesne profit to the plaintiffs @₹10,000/- per month till delivery of possession along with interest. In the appeal filed by the defendants; an application was moved to stay the operation of the judgment and decree of the trial Court. Vide an order dated 09.08.2019, the First Appellate Court assessed the mesne profit @₹7,000/- per month on the basis of approximation which was to be paid to the plaintiffs from the date of decree of possession till continuity of the appeal. Against the said order dated 09.08.2019, the present revision was filed. This Court vide order dated 31.10.2019 issued notice of motion subject to deposit of the current



mesne profits as directed by the First Appellate Court forthwith but with the direction that the same shall not be released to the respondents- plaintiffs.

2. Today, it is informed by learned counsel for the respondents-plaintiffs that the mesne profit @₹7,000/- per annum are being regularly deposited by the petitioner. Prayer is made to dispose of the present petition and the entire arrears of the mesne profits as being deposited will be subject to the final outcome by the appeal by the First Appellate Court. It is informed that case before the First Appellate Court is fixed for 29.04.2025. Learned counsel for the petitioner has no serious objection to the afore-said prayer.

3. As such, the present revision petition is hereby disposed of with the direction that the petitioner shall continue to deposit ₹7,000/- per month as mesne profits before the First Appellate Court concerned. The First Appellate Court shall dispose of the appeal purely in accordance with law without being influenced by any of the observations made before this Court. The amount shall be released as per the final outcome of the appeal.

March 28, 2025
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No