

**Diwan Singh (since deceased) through LRs
and others vs. Dashodha (since deceased)
through LRs a/w connected matter
RSA Nos. 364 & 365 of 2007**

30.05.2025 Present:

Mr. Neeraj Gupta, Sr. Advocate, with Mr. Janesh Gupta, Advocate, for the appellants in both the appeals.

Mr. G.D. Verma, Sr. Advocate, with Mr. Sumit Sharma, Advocate, for respondents No. 1(a) and 10.

None for respondents No. 2 to 9 & 11 to 14.

CMP No. 19776 of 2024 in RSA N. 365 of 2007

The present appellants had filed a suit before the trial Court. Respondents were the defendants before the trial Court in the same. Suit filed by the plaintiff was dismissed. Counter claim preferred therein by the respondents/defendants had been allowed.

By virtue of the judgment and decree dated 20.11.2001, trial Court had ordered handing over of possession of the land involved in the case (Khasra Nos. 544, 460, 461) by way of mandatory injunction. The aforesaid was to be done within a period of thirty days. Feeling aggrieved thereof, the present appellants had preferred an appeal. The appeal in the case at hand was decided on 16.5.2007. Subsequent thereto, the present RSA was preferred.

In the Regular Second Appeal so preferred (RSA No. 365 of 2007) an application for grant of interim injunction had been filed bearing No. CMP No. 614 of

2007. The same was opposed tooth and nail by the respondents. In view of the opposition, the court was of the view that mesne profits were liable to be paid by the present appellants. An inquiry was ordered to determine the value of the mesne profit payable. In terms of the inquiry so held by the Civil Judge, First Class, Theog, an amount of Rs. 3, 000/- per annum was determined as mesne profit payable by the appellant. Let the aforesaid amount so determined be paid by the appellants from the date of filing of the first appeal i.e. 6.3.2002. Needful be done within a period of eight weeks. Learned counsel appearing on behalf of the appellants submits that amended memo shall be filed during the course of the day. The application stands disposed of.

(Bipin C. Negi)
Judge

May 30, 2025
Tarun