

RSA No. 144 of 2020

08.07.2020

Present: Mr. Romesh Verma, Advocate for the appellants through video conferencing.

Notice returnable on 24th September, 2020, on taking steps within three days, be issued to the respondent.

Records be requisitioned.

CMP No. 5742 of 2020

Notice in aforesaid terms.

2. Heard. Learned counsel for the applicants/appellants submits that this appeal has been preferred against the judgment and decree, whereby the judgment and decree passed by the trial Court, in Civil suit preferred by the applicants/appellants and counter-claim filed by counter-claimant/defendant Promila Suri, has been reversed in a single appeal preferred by the respondent without specifying as to whether appeal was preferred against decreeing the suit or dismissing the counter-claim. It is further stated that in the counter-claim, the respondent had claimed recovery of mesne profit for occupation of the premises in question by the appellants-plaintiffs, whereas, respondent has also filed an independent suit under Section 6 of Specific Relief Act for possession of the premises in question and the relief of recovery of mesne profit was also available to the respondent in that suit.

3. Considering the submissions made by learned counsel for the applicants/appellants, it appears that a *prima-facie* case is made out in their favour for grant of

ad-interim relief. Accordingly, the execution and operation of judgment and decree passed by learned District Judge-(i), Shimla in Civil Appeal No. 18-S/13 of 2015 titled Promila Suri vs. Sanjeev Suri and another, is stayed till further orders.

CMP No. 5743 of 2020

The appellants are exempted from filing certified copy of judgment and decree passed by the trial Court, subject to filing of same within four weeks. Application disposed of.

Dasti copy on usual terms.

(Vivek Singh Thakur)
Judge

July 08, 2020
(naveen)