

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 470/2025
CNR: RJHC020145122025 | URN: CFA / 743U / 2025

Omprakash Maheshwari (O.p. Maheshwari)

----Appellant

Versus

Tejmal Bansal Son Of Late Shri Bherulal Bansal,

----Respondent

For Appellant(s)	:	Mr. J.P. Goyal, Sr. Adv. assisted with Mr. Siddharth Singh Ms. Yashika Vijaywargia
For Respondent(s)	:	Mr. Rahul Agarwal

HON'BLE MR. JUSTICE MANEESH SHARMA
Order

10/08/2026

1. The matter has come up on an application (I.A. No. 2/2025) filed by the plaintiff/respondent under Section 151 of the Code of Civil Procedure, 1908 (CPC), seeking an appropriate order regarding the payment of mesne profits.
2. Learned counsel for the respondent submits that looking to the nature of the dispute, directions may be given to the appellant to pay mesne profits at the rate of Rs. 10,000/- per month from the date of filing of the suit till the date of handing over of the possession of the suit property, as directed by the learned Trial Court in the impugned judgment and decree.
3. *Per contra*, learned counsel for the appellant submits that pursuant to the agreement, the appellant has already paid a sum of Rs.13,00,000/- to the present respondent. He therefore submits that there is no justification in fixing *mesne* profit separately, particularly when the respondent has been enjoying the benefit of the said amount of Rs.13,00,000/- and is also earning interest thereon.
4. Heard.

5. Considering the rival contentions of learned counsel for the parties and in order to strike a balance between the appellant and the respondent, this Court deems it appropriate to direct the appellant to deposit the *mesne* profit at the rate of Rs.5,000/- per month from the date of filing of the suit to till date i.e. 10.08.2026, before the learned Trial Court within a period of four weeks from today and the

6. It is made clear that the appellant shall continue to deposit the *mesne* profits @ Rs.5,000/- per month before the learned Trial Court till final disposal of the present first appeal and in case, the appellant fails to deposit the *mesne* profits or commit any default for two consecutive months, the respondent will be at liberty to move an application for vacation of stay.

7. The learned Trial Court is directed to invest the *mesne* profits deposited by the appellant into a Fixed Deposit Receipt (FDR) in a nationalized bank, upon the accumulation of the deposited amount for an entire year, and renew the same periodically.

8. Furthermore, it is made clear that the aforesaid amount so deposited during the pendency of the appeal shall be subject to the final outcome of the present appeal, and the learned Trial Court shall disburse the same to the party that succeeds in the present appeal.

9. Accordingly, interim order dated 22.08.2025 is made absolute till disposal of the present appeal.

10. As a necessary corollary, Stay Application No. 1077/2025 and the present application (I.A. No. 2/2025) shall stand disposed of.

(MANEESH SHARMA),J