

ITEM NO.4

COURT NO.5

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 569/2011

(Arising out of impugned final judgment and order dated 11-11-2010 in CR No. 6116/2010 11-11-2010 in CR No. 6116/2010 11-11-2010 in CR No. 6116/2010 passed by the High Court Of Punjab & Haryana At Chandigarh)

RAM LAL (DEAD) THROUGH LRS

Petitioner(s)

VERSUS

RAM DASS

Respondent(s)

(ONLY IA 2 AND 3 (FOR MODIFICATION OF ORDER DATED 08.12.2016 AND DISMISSAL OF SLP FOR NON COMPLIANCE OF ORDER DATED 8.12.2016 IN SLP(C)NO.23417/2016 WITH C.P.(C)NO.849/2017 ONLY TO BE LISTED ON 03.04.2018)

SLP(C) No. 23417/2016 (IV-B)

(FOR MODIFICATION OF COURT ORDER ON IA 2/2017 FOR ON IA 3/2017 and CONTEMPT PETITION 849/2017 IS TO BE LISTED.)

WITH CONMT.PET.(C) No. 849/2017 In SLP(C) No. 23417/2016

Date : 03-04-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE NAVIN SINHA

Counsel for parties:

Mr. Mandeep Singh Vinaik, Adv.
Mr. Balraj Dewan, AOR

Mr. Jay Kishor Singh, Adv.
Mr. Gopal Balwant Sathe, AOR

Ms. Ruby Singh Ahuja, Adv.
Ms. Aakanksha Munjhal, Adv.
Mr. Nakul Gandhi, Adv.
Mr. Siddhant Gupta, Adv.
Mrs. Manik Karanjawala, Adv.
For M/s. Karanjawala & Co., AOR

Mr. A.N. Haksar, Sr. Adv.
Mr. Sonal Jain, AOR
Ms. Heena Sharma, Adv.
Mr. Kuldeep Singh, Adv.

Mr. A. Venayagam Balan, AOR

UPON hearing the counsel the Court made the following
O R D E R

I.A. Nos. 2 & 3/2017 in SLP(C) No. 23417/2016 & CONTEMPT PETITION
(C) No. 849/2017 In SLP(C) No. 23417/2016:

This is an application for modification of our order dated 08.12.2016. The applicant is under an order of eviction which is the subject matter of the Special Leave Petition.

On 08.12.2016, this Court directed payment of mesne profits @ Rs. 50,000/- per month from October, 2007 with cumulative annual increase @ 10% .

Learned counsel has pointed out that only use and occupation charges would arise after an order of eviction.

Having heard the learned Senior Counsel/Counsel for the parties, we are of the view that it would only be reasonable and proper that pending an appropriate inquiry of mesne profits, the applicant deposits/pays an amount of Rs.1,50,000/- p.m. from the month of May, 2015. This amount of Rs.1,50,000/- shall be increased annually @ 10% with cumulative effect. The arrears calculated in this regard shall be paid within a period of eight weeks from today.

Needless to mention that that the applicants shall clear all the electricity/water charges.

I.As stand disposed of accordingly.

Post for further orders on Thursday, the 10th May, 2018.

Special Leave to Appeal (C) No(s). 569/2011:

List the Special Leave Petition for final hearing in the first week of September, 2018.

(R. NATARAJAN)
COURT MASTER (SH)

(RENU DIWAN)
ASST.REGISTRAR