

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4981 OF 2016
[@SPECIAL LEAVE PETITION (C) NO. 28555 OF 2013]

M/S. JEWELLERS KHANNA SONS

Appellant (s)

VERSUS

NARESH MITTAL & ORS.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The appellant is before this Court, aggrieved by an interim order passed by the High Court of Punjab and Haryana at Chandigarh in Civil Revision Petition No. 6863 of 2009, whereby the High Court fixed the mesne profits at the rate of Rs. 1,00,000/- per month by way of interim measure.
3. When the matter came up before this Court, an interim order was passed on 20.09.2013 staying the impugned order on condition that the appellant deposits an amount of Rs. 50,000/- per month with effect from 24.09.2009. However, it is pointed out by Mr. Dhruv Mehta, learned senior counsel appearing for the petitioner, that the actual application for enhancement of mesne profits was dated 19.12.2011.
4. We have also heard Mr. V. Giri, learned senior counsel appearing for the respondents. In our opinion, since Civil Revision Petition is itself to

be disposed of by the High Court, we dispose of this appeal making it clear that the interim order passed by the High Court will stand substituted in modification also by our order dated 20.09.2013 as follows :-

"With effect from 19.12.2011, the appellant shall deposit mesne profits at the rate of Rs. 50,000/- per month by way of an interim measure."

5. We request the High Court to dispose of the Civil Revision Petition expeditiously and preferably within a period of six months from today.

6. We make it clear that it will be open to the respondents to move the High Court for withdrawal of the amounts due to them and deposited before the High Court.

7. We make it clear that the deposit of Rs. 50,000/- per month will be continued to be made till the matter is finally disposed of by the High Court. Needless also to say that any excess remittance already made will be adjusted towards further payments.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

New Delhi;
May 09, 2016.