

Sita Ram Lakshmanji vs Dipnarain Mandal Etc. on 30 March, 1977

Equivalent citations: AIR1977SC1870, (1977)4SCC601C, 1977(9)UJ338(SC), AIR 1977 SUPREME COURT 1870, 1977 2 SCWR 171, 1977 U J (SC) 338, 1977 4 SCC 601 (4)

Author: Y.V. Chandrachud

Bench: P.K. Goswami, P.N. Shinghal, Y.V. Chandrachud

JUDGMENT

Y.V. Chandrachud, J.

1. In view of Section 6 of the Bihar Land Reforms Act, 1950, the appellants cannot obtain a decree for possession of the suit Properties, those properties having vested in the State Government on January 1, 1956. Mr. Desai has, therefore, not been able to challenge the decree passed by the High Court dismissing the appellant's suit for possession. Mr. Desai has also not been able to press his claim for past mesne profits in view of the concurrent finding on that question against him. He, however, argues that the appellants are entitled to mesne profits from January 25, 1952 when the suit was filed until January 1, 1956, the date of vesting. Since the respondents were wrongfully in possession of the suit properties during this period, we are of the opinion that the appellants are entitled to a decree for mesne profits limited to that period.

2. We therefore, confirm the judgment dated May 7, 1965 passed by the High Court in the letters Patent Appeal, with the modifications that there Shall be an enquiry in to mesne profits for the period January 25, 1952 till January 1, 1956. Appellants shall pay half the costs of these appeals to the respondents in one set.

3. The stay of prosecution is vacated.