

Appellate Court does have jurisdiction to put reasonable terms and conditions as would in its opinion reasonable to compensate the decree holder for loss occasioned by delay in execution of the decree while granting the stay. On passing the decree for eviction by a competent Court, the tenant is liable to pay mesne profit or compensation for use and occupation of the premises at the same rate at which the landlord would have able to let out the premises in present and earn the profit if the tenant would have vacated the premises. Because of pendency of the appeal, which may be in continuation of suit, the doctrine of merger does not have effect of postponing the date of termination of [tenancy](#) merely because the decree of eviction stands merged in the decree passed by the superior forum at a later date.

**(141) PLR 643 (SC)**

**Atma Ram Properties (P) Ltd. v. Federal Motors (P) Ltd.** - (2005-3)141 PLR 643 (SC), (2005) 1 SCC 705,