

211.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.1567 of 2014 (O&M)

Date of decision: 22.12.2015

Hardial Ram and another

... Petitioners

versus

Raj Kumar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sanjeev Pandit, Advocate,
for the petitioners.

Mr. Rajeshwar Singh, Advocate,
for respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. An order was passed on consent on 22.11.2013 by the Judge when an interim application for injunction was pending at the instance of both the plaintiff and the defendant counter-claimant. There was no scope for the court to take up the injunction application again and passing fresh orders which are impugned. The order passed constitutes violation of the integrity of the statements recorded by the court and wholly unjustified.

2. The counsel for the respondent states that he is in exclusive possession of the property and he should be permitted to modify the construction and carry out some repairs. If the defendant has any case that the statement made in the court was vitiated or there are new circumstances that would justify an alteration of the status quo ante, the respondent shall be at liberty to file such an application with liberty given to the plaintiff to oppose the plea on any legally tenable contentions possible. If such a plea is made, the court will examine the same and pass appropriate orders bearing in mind the order it had already passed on the respective statements made by the parties and whether actions for modifying the same would be competent.

3. The impugned order is set aside and the revision petition is allowed but with the liberty to the respondent in the manner as aforesaid.

(K.KANNAN)
JUDGE

22.12.2015
sanjeev