

CR-1983-2013 (O&M)

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

**CR-1983-2013 (O&M).
Decided on: July 9, 2015.**

Suresh and others

... Petitioner(s)

VERSUS

Pardeep Airan

... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Manoj Bajaj, Advocate,
for the petitioners.**

**Mr.Sandeep K. Sharma, Advocate,
for the respondent.**

Mr.Raj Kumar Makkad, DAG., Haryana.

M.M.S. BEDI, J (ORAL)

The defendants have preferred this revision petition under Article 227 of the Constitution of India, aggrieved by the orders passed by the trial Court and lower Appellate Court restraining the defendant- petitioners from interfering in the peaceful possession of the plaintiff- respondent over the land comprising of Rectangle No.123 khasra No.27 and from further raising construction on southern and western boundary wall of the plaintiff.

With the assistance of counsel for the petitioners and counsel for the respondent, I have gone through the pleadings of the parties and I am of the opinion that controversy which is required to be resolved by the trial Court on the basis of the pleadings is

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whether the plaintiff is in possession of half share of khasra No.1534, 1646, 3161/1739/1(1-1) measuring 5 bighas 16 biswas and the defendants being owners in possession of khasra No.1531, 1532 and 1533, the plaintiff have got no right or interest in the same. The said controversy is yet to be decided after determining the actual portion of the land which is claimed by the plaintiff as owner to the extent of half share whereas the consolidation is yet to be finalised. The property is to be connected with the rectangle No.123 Killa No.27. Since both the plaintiff and defendants, in their pleadings have referred to different khasra numbers claiming their right, title and interest in the same, it will be appropriate and would be in the interest of justice in case the trial Court is directed to expeditiously dispose of the suit within a period of six months after the receipt of copy of this order with a further direction to the parties to maintain status quo regarding the possession of the property as per their pleadings.

Counsel for the plaintiff- respondent has submitted that the entire consolidation record is available and the rights of the parties can be fairly adjudicated upon by the trial Court on the basis of revenue record available. The trial Court had passed interim order in the year 2011. The lower Appellate Court had decided the appeal on 17.1.2013.

In view of said circumstances, a direction is issued to the trial Court to decide the case within a period of six months by

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giving short dates of hearing giving fair opportunity to both the parties of producing oral as well as documentary evidence pertaining to the property in dispute.

Nothing said in this order will prejudice the rights of the parties. The rights of the parties will be adjudicated upon on the basis of the material produced on record during course of trial.

July 9, 2015.
rka

(M.M.S. BEDI)
JUDGE