

IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

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CR No.2471 of 2013 (O&M)
Date of Decision: 18.09.2015

Gurpreet Singh and others

... Petitioners

Versus

Sarabjit Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Veneet Soni, Advocate,
for the petitioners.

Mr. Namit Gautam, Advocate,
for respondent No.1.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AMIT RAWAL, J. (Oral)

The present petition has been filed against the order dated 07.01.2013 passed by the Lower appellate Court whereby, application filed by respondent-plaintiff under Order 39 Rule 1 and 2 read with Section 151, CPC has been allowed and the petitioners-defendants have been restrained from raising any construction over the suit property and permitted to sell their share/portion.

Mr. Veneet Soni, learned counsel for the petitioners-defendants submits that the Trial Court dismissed application of plaintiff and allowed application seeking interim stay in counter claim of defendants, whereby plaintiff has been restrained not to interfere in their possession but in appeal, learned appellate Court injuncted petitioner-defendant from raising construction. He further submits that the petitioners have already raised the construction and shown the photograph with regard to the constructed portion and similarly the respondents-plaintiffs have also raised the construction and both are having a separate possession of their respective houses.

He further submits that the Lower appellate Court has committed illegality to restrain the petitioners from raising the construction.

Mr. Namit Gautam, learned counsel for the respondent-plaintiff submits that since parties are co-sharer, the petitioner-defendant has been rightly restrained from raising construction and no prejudice would be caused.

I have heard learned counsel for the parties and appraised the paper book. Since both the parties have raised the construction on the portion, which is in their respective possession, the present revision petition is disposed of by issuing direction that, parties to the lis, shall maintain status quo during the pendency of the suit. They are further directed not to raise any construction or alter any change in the suit property.

For the aforesaid submissions, revision stands disposed of and the Trial Court is directed to decide the suit as expeditiously as possible.

18.09.2015
Dinesh

(AMIT RAWAL)
JUDGE