

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.2656 of 2013 (O&M)
Date of Decision: 13.01.2015

Kewal Singh

...Petitioner

Versus

Avtar Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH

1. *Whether Reporters of the 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?*

Present: Mr. Naveen Batra, Advocate
for the petitioner.

Mr. H.K. Brinda, Advocate
for the respondents.

R.P. Nagrath, J. (Oral)

Petitioner has invoked the jurisdiction of this Court under Article 227 of the Constitution of India seeking to set aside the order dated 05.04.2013 passed in appeal by the learned Additional Sessions Judge, Rupnagar whereby order of the trial Court has been reversed, resulting into dismissal of application of the petitioner under Order 39 Rules 1 and 2 of the Code of Civil Procedure.

I have heard learned counsel for the parties at considerable length.

The dispute presently between the parties pertains to the

cutting and removing of the trees existing on the land in question. The issue of title in respect of the property in question is still pending in RSA No.1675 of 2012 between the parties.

The instant revision is thus disposed of with the observations that in case the trees are cut and removed by the respondents during pendency of the suit, the petitioner would be entitled to receive compensation for the value of the trees according to his share in terms of the outcome of the decision in RSA No.1675 of 2012. The petitioner may file the list of trees existing on the suit land before the trial Court, for which the respondents would be at liberty to file objections. Learned trial Court would proceed to determine the controversy about number of trees existing on the land, may be by appointment of a Local Commissioner.

13.01.2015
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(R.P. Nagrath)
Judge