

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.2881 of 2014
Date of decision: 26.11.2015

Mishri

... Petitioner

Versus

Mahesh

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. RS Hooda, Advocate for the petitioner.
Mr. Vikas Kumar, Advocate for the respondent.

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?

ARUN PALLI J. (Oral)

The present revision arises out of an application for injunction, under Order 39 Rules 1 & 2 of the Code of Civil Procedure, moved by the petitioner-plaintiff. Vide order dated 24.02.2014, the trial court enjoined the respondent-defendant from raising any construction over the suit property. However, in an appeal preferred by the defendant, the said order was set aside and the application for injunction was dismissed vide order dated 15.04.2014. This is how, plaintiff is before this court vide this revision petition.

On April 25, 2014, while issuing notice of motion, this court passed the following order:

“The written defence of the respondent-defendant is that he is carrying out construction in Killa No.34, to which, the petitioner has no objection. However, the suit has been brought by the petitioner for permanent injunction restraining the defendant from construction at Killa No.12. The trial Court had granted temporary injunction which has been vacated in appeal.

Notice of motion, returnable on 18.7.2014.

In the meanwhile, there will be a restraint against the defendant from carrying out any construction activity in Killa No.12.”

Ex facie, the case set out by the defendant himself is that he is carrying out construction in killa No.34 and petitioner had sought to restrain the defendant from raising any construction in killa No.12, and he has no objection as regards the construction, if any, raised/being raised by the respondent-defendant in killa No.34.

That being so, and without examining the dispute on merits, present revision petition is disposed of with an observation that respondent-defendant shall not carry out any construction activity in killa No.12, during the pendency of the suit.

November 26, 2015
Rajan

(Arun Palli)
Judge