

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CR No. 3925 of 2015 (O&M)
Decided on : 15.06.2015**

Raghvir Singh

...Petitioner

Versus

Mohinder Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Abinashi Singh, Advocate
for the petitioner.**RAMENDRA JAIN, J. (ORAL)**

In the present revision, the petitioner has sought setting aside of impugned order dated 25.05.2015, passed by learned Additional District Judge, Mohali.

Brief facts of the case are that the revisionist-petitioner filed a civil suit for permanent injunction along with an application under Order 39, Rules 1 and 2 read with Section 151 of Civil Procedure Code, to restrain the respondent from raising any construction on the joint wall 'AB' exceeding to his share during the pendency of the suit.

The learned trial Court after giving notice of suit as well as the stay application to the respondent and after hearing both the parties, dismissed the stay application vide order dated 19.12.2012.

Aggrieved with the same, the revisionist filed an appeal before the learned Additional District Judge, Mohali, which too was dismissed vide order dated 25.05.2015.

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Learned counsel for the petitioner has submitted that the respondent cannot raise any construction more than his share over the common wall and if he would succeed in doing so, he would suffer irreparable loss.

Heard.

There is no merit in the submission made by the learned counsel for the petitioner, because the factum of common wall AB in between the houses of parties is not disputed. The impugned order shows that vide an agreement dated 18.08.2002, the parties had agreed that the wall measuring 65½ feet in length would be joint in between them and both of them have a right to raise height of the same in future. Hence, if the defendant-respondent is raising the construction in his portion by raising the height of the common wall, the same by any stretch of imagination cannot be termed as detrimental to the rights of the revisionist.

Hence, finding no merit in the present revision, the same is hereby dismissed.

June 15, 2015
'dk kamra'

(RAMENDRA JAIN)
JUDGE