

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.4461 of 2015 (O&M)

Date of Decision.19.08.2015

Rameshwar and another

.....Petitioners

Versus

Ajit Singh

.....Respondent

Present: Mr. Kulvir Narwal, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

-. -

K. KANNAN J. (ORAL)

1. The Court has allowed for injunction to be granted on the basis of the plaintiff's averment that there is encroachment of 106 sq. yards by defendant Nos.1 and 2 with reference to specific portions of property demarcated in the rough plan filed. During the course of the trial reports of two visits of the local commissioner were filed that have shown an encroachment all the same but to a lesser extent of 27 and 47 sq. yards respectively by defendant Nos.1 and 2. The counsel would plead that the plaintiff should be permitted to put up construction with reference to remaining portion of the property.

2. I cannot allow for such a modification unless the plaintiff is prepared to submit before the Court that the decree itself could be confined with reference to the encroachment in the manner found by the local commissioner or if there is still a contest, it will be open for the petitioner to apply to the Court for clarification or modification of

the order of injunction referring to the commissioner's reports and the extent of encroachment which is shown.

3. I find no scope for interference in the revision petition. The revision petition is dismissed but with liberty as aforesaid.

(K. KANNAN)
JUDGE

August 19, 2015
Pankaj*