

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

112

CR-5150-2015 (O&M)

Date of Decision:21.09.2015

ATTAR SINGH

... Petitioner

Versus

HARPHUL SINGH

... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. V.M. Handa, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has arisen against the order passed by lower Appellate Court on 29.07.2015 in miscellaneous appeal filed by the defendant(s).

[2]. Lower Appellate Court has relied upon the report of Local Commissioner, wherein construction of the defendant(s) was found upto roof level. Plastering of walls and fixing of wooden doors are to be done. The location of the property being in public path was decided by the Deputy Commissioner, Mahendergarh. The proceedings are stated to be pending before the Commissioner, Gurgaon and no final order has been passed yet.

[3]. Apparently, construction of the defendant(s) is upto the roof level. There is no prima facie case in favour of plaintiff. In the event of not granting any injunction, the plaintiff will not suffer any irreparable loss, rather the grant of injunction at this stage

would cause irreparable loss to the defendant(s). Lower Appellate Court has observed in para No.10 of the order that defendant(s) shall be bound to remove the construction if the same is ultimately found to be on public path.

[4]. At this stage, grant of stay against plastering of wall and fixing of doors in the house constructed by the defendant(s) is not made out. However, trial Court would make every endeavour to decide the suit itself as early as possible.

[5]. With these observations, this petition stands dismissed.

September 21, 2015
prince

(RAJ MOHAN SINGH)
JUDGE