

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 7215 of 2014

Date of Decision: 09.07.2015

Mohinder Kaur

.....Petitioner

Vs.

Mohinder Lal and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Anish Setia, Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the orders dated 13.09.2012 and 30.08.2014.

I have heard learned counsel for the petitioner and have gone through the record, available on the file carefully.

Impugned order dated 13.09.2012 reads as under:-

“Present:- Sh. Harsh Bhatt, Advocate, for plaintiff.

Sh. Manuj Aggarwal filed POA on behalf of defendants No. 1 to 3. Gram Panchayat, Panch Member in person. Defendant No. 1 suffered a separate statement that he will not raise construction on 10 ½ ft as prayed by plaintiff. Panch Member also stated the same in the Court. Keeping in view voluntary statement given by defendants, defendants can raise construction on the remaining portion of street more fully described in the head note of plaint leaving 10 ½ ft street.

*Now to come up on 17.09.2012 for filing reply,
written statement and cons on stay application.”*

Petitioner has filed suit for permanent injunction. Along with the suit, petitioner moved an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908 (for short 'CPC').

During the course of arguments, it has transpired that after the passing of the impugned order dated 13.09.2012, application moved by the petitioner under Order 39 Rule 1 and 2, CPC, was withdrawn. Appeal filed by the petitioner against the said order was dismissed as not maintainable, vide order dated 30.08.2014. Thereafter, petitioner has filed the present petition.

Since in the present case, petitioner has already withdrawn the application under Order 39, Rule 1 and 2 CPC, no ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

July 09, 2015
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