

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

RSA No.818 of 2011(O&M)

Date of Decision: 7.04.2015

Gurmeet Singh & ors.

...Appellants

Versus

Darshan Singh (since deceased) through LRs.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. S.N. Saini, Advocate,
for the appellants.

Mr. R..S. Chauhan, Advocate,
for the respondent.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

This is defendants' appeal. The entire controversy in appeal is with respect to khasra numbers mentioned in para (I) and (II) of the decree dated August 7, 2009 passed [in Civil Suit No.177 of 21.5.2005] against which this appeal has come after the decree was affirmed in first appeal by appellate decree dated November 11, 2010 in favour of the plaintiff.

The dispute with respect to the khasra numbers apparently stands resolved in para 8 of the memorandum of appeal. Mr Saini, Learned counsel for the appellants states that the appellants undertake not to raise construction on the khasra numbers mentioned in the decree and only wish for freedom to raise construction on khasra numbers mentioned in para 8, which is indisputably owned by the appellants exclusively to which opposite party can have no objection. This statement is taken as an undertaking to this court and the appeal stands disposed of in the above terms.

In passing this order, the decrees of the courts below are affirmed. It may be mentioned that the khasra numbers mentioned in the decree are subject matter of partition proceedings pending before the revenue authorities. Resultantly, the appellants would remain free to raise construction anywhere except on the land comprising khasra numbers mentioned in the subject civil court decree, which is upheld. Mr. Saini states that he would not take advantage of this order before the revenue authorities.

7.04.2015
monika

(RAJIV NARAIN RAINA)
JUDGE