

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

**RA-RS-34-C of 2015 in
RSA No.1645 of 2015 (O&M)
Date of Decision: 08.07.2015**

Vijay Kumari and others

.....Appellants

Versus

M/s Millenium Buildmart Pvt. Ltd. and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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?

Present:- Mr. Munish Bhardwaj, Advocate,
for appellants.

Mr. Sumeet Mahajan, Senior Advocate with
Mr. Amit Kohar, Advocate,
for respondents.

SHEKHER DHAWAN, J

RA-RS-34-C of 2015

Applicants-appellants have filed the present petition for seeking review of order dated 12.05.2015 passed by this Court mainly on the ground that the Court failed to appreciate certain admitted facts.

2. As per applicants-appellants, the plot in dispute was purchased by mother of the appellants namely Shanti Devi and after her death in the year 2002 plot was inherited by appellants and their sister Vinod Kumari. Said Vinod Kumari died in the year 2008 under mysterious circumstances and after her death Om Parkash and others started interfering in the possession

of the appellants and made efforts to grab the plot. There were proceedings under Section 145 Cr.P.C. Because of dispute over the plot in question, police had also recorded a report on 19.03.2010. Om Parkash and others had tried to dispossess the appellants and caused injuries and accordingly case was registered. Again on 05.04.2010 Roshan Lal etc. had stolen bricks and cement, etc; and FIR No.345 dated 05.04.2010 was registered. Earlier suit for permanent injunction was also filed by Om Parkash and his wife Nirmala Devi. Now on the basis of order dated 12.05.2015 respondents are trying to dispossess the applicants and have also demolished the boundary wall and a room constructed by the appellants over their plot. The aforesaid facts were not appreciated by this Court and as such the order dated 12.05.2015 be reviewed.

3. Notice of review application was given to learned counsel for respondents and learned counsel for respondents took the plea that there is absolutely no ambiguity or error calling for review of the order and review on such grounds is legally not maintainable. On this point learned counsel for respondents placed reliance upon judgment of Hon'ble Supreme Court in case **Kamlesh Verma V. Mayawati 2013(4) RCR (Civil) 75**. More so proceedings under Section 145 Cr.P.C. are not relevant and binding for decision of the title and do not effect the fate of civil litigation and these points have already been discussed in detail in the order dated 12.05.2015. Therefore, the present review application is not maintainable and liable to be dismissed.

4. The grounds taken in review application were earlier argued at the time of decision of Regular Second Appeal by this Court and the same were dealt with by this Court. This Court passed the order while affirming the

findings recorded by Court of first appeal and there is no error on the face of the order calling for review of the order dated 12.05.2015 as per law laid down by Hon'ble Supreme Court **Kamlesh Verma V. Mayawati (Supra)**.

5. Present review application being without any merit stands dismissed.

CM No.6448-C of 2015

Prayer has been made for restraining respondent-plaintiff to raise further construction.

Keeping in view the above order, CM stands dismissed.

**(SHEKHER DHAWAN)
JUDGE**

July 08, 2015
msd