

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

CR No. 2351 of 2014 (O&M)
Date of decision: April 4, 2016

Jeet Ram and others

...Petitioners

Versus

Braham Parkash

...Respondents

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?**

Present: Mr. Sharad Aggarwal, Advocate,
for the petitioners.

Mr. Ashish Gupta, Advocate,
for the respondent.

K. KANNAN, J. (Oral)

1. In a suit for injunction brought by the respondent complaining that the defendants are attempting to interfere with the possession of the property granted to him at the time of partition, the defendants contended that they are in possession of the property of what was allotted to them and there has been no encroachment or attempt to disturb the plaintiff's possession in the manner canvassed by the plaintiff. At the turn of evidence by the defendants, the defendants wanted the property to be demarcated so that the dispute of whether there was an encroachment or not could be assessed. The trial court declined the relief.

2. The partition effected is not denied. However, whether there has been an encroachment or not is the subject of adjudication. The matter could have been best resolved only if the commission is appointed to ascertain whether was any encroachment at the suit property described in the plaint.

3. The order already passed is set aside and the revision is allowed. The trial court is directed to appoint a Kanoongo in whose jurisdiction the disputed land falls, who shall carry out the demarcation in relation to the property for which the claim is made by the plaintiff to assess whether there is encroachment or not. Needless to say the parties are at liberty to file their objections on the basis of the report and the trial shall further progress, taking due notice of the report and any of the objections.

4. The impugned order is set aside and the revision is allowed on the above terms.

April 4, 2016
prem

(K.KANNAN)
JUDGE