

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

**CR No. 7722 of 2013 (O&M)
Date of decision: 05.01.2016**

Charanjit Singh and another

... Petitioners

versus

Neeru and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. P.S. Kanwar, Advocate for the petitioners.

None for the respondents.

K.Kannan, J. (ORAL)

The only modification that is necessary is that the wall which is stated by the plaintiff as a common wall shall be retained as such and no portion of the wall shall be demolished. The relief in the injunction petition is not happily worded for it seeks only for the relief against any further construction by the defendant and against alienation. The Lower Court while allowing the appeal filed by the defendant has observed that the defendant cannot be restrained from putting up his own construction nor could the plaintiff complain if he sells the property. Both the lines of reasoning are correct and I will not interfere with the same. However, to allay the apprehension of the plaintiff that the defendant is likely to demolish the common wall, I direct that there shall be no demolition of the common wall and the wall shall be retained as such and any construction which is made upon the wall will retain the character of wall as common wall. The observation that the wall is common is only for the purpose of disposal of the revision petition and will not be taken as governing the rights of parties at the time of trial to constitute the final declaration that the wall is common.

Even while upholding the order already passed, I make modification only to prevent the defendant from demolishing any portion of the wall. The civil revision petition is disposed of with above observations.

(K.KANNAN)
JUDGE

05.01.2016
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