

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.975 of 2011 (O&M)

Date of Decision: 08.11.2016

RAMA KANT AND OTHERS

...Appellants

VERSUS

HANSRAJ

...Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Som Nath Saini, Advocate for the appellants.
 Mr. Ravinder Arora, Advocate for the respondent.

DARSHAN SINGH J. (ORAL)

Learned counsel for the respondent states that virtually the present appeal has become infructuous as the disputed drain and the street has already been constructed by the Gram Panchayat.

Learned counsel for the appellants contends that under the garb of the decree passed in this suit, the plaintiff-respondent wants to protect the encroachment made by him in the street over the drain by constructing a bathroom. He further contends that the Gram Panchayat concerned has already passed the resolution for the removal of said encroachment.

Learned counsel for the appellants states that the present appeal may be disposed of by observing that respondent will not take any undue benefit of the decree under challenge and the appellants will be at liberty to avail the legal remedy to get the encroachment, made by the respondent, removed as per law.

The present appeal is hereby disposed of with liberty to the appellants to avail the appropriate legal remedy available to them to get the encroachment, if any, made by the respondent in the street over the drain in accordance with law.

(DARSHAN SINGH)
 JUDGE

November 08, 2016

Rajneesh

Whether speaking/reasoned	:	YES/NO
Whether reportable	:	YES/NO