

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

(114)

**RA-CR-98-CII-2015 in
CR-1483-2015
Decided on: May 28, 2016.**

Maya Devi

.... Petitioner

Versus

Shila Devi and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sandeep S. Majithia, Advocate,
for applicant-respondent No.1.

Mr. Vaibhav Parashar, Advocate,
for non-applicant-petitioner.

M.M.S. BEDI, J (ORAL)

This is an application for reviewing order dated 27.03.2015
passed by this Court in CR-1483-2015.

Learned counsel for applicant-respondent No.1 has contended
that the observations made by this Court while disposing of the revision
petition, which reads as follows:

*“I have considered the contentions of learned
counsel for the petitioner and I am of the opinion that the trial
Court and the lower Appellate Court have refused to grant
mandatory injunction to the plaintiff-respondent for removal of
the bricks placed by her on the open YZ but the injunction order
which has been passed against the defendant-petitioner is only
to deter her to cause obstruction or encroachment on the gate
of plaintiff under the boundary wall, meaning thereby, that the
defendant-petitioner cannot enter the constructed portion of the
plaintiff-respondent plot but no injunction has been granted
against the defendant-petitioner to use the 7 ft wide rasta in*

front of her plot. The defendant-petitioner also claims that the portion which has been 7 ft. width in front of her plot is not a common rasta”.

creates a confusion regarding the rights of plaintiff-respondent No.1 to use the 7 ft. wide rasta in front of the plot of defendant No.1 Maya Devi.

I have heard learned counsel for both the parties and gone through the record.

It is clarified that this Court had in fact dismissed the revision petition and upheld the order passed by the lower Appellate Court. Any observations made in the order pertaining to the 7 ft. wide rasta will have to be decided on the basis of the pleadings and evidence.

Nothing mentioned in the order will be deemed to be an expression of opinion regarding determination of the rights of the parties regarding the 7 ft. wide rasta which is stated to be existing in front of the plot of Maya Devi and Kalwati.

Disposed of.

**(M.M.S. BEDI)
JUDGE**

May 28, 2016
harsha