

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

CR No. 2355 of 2017

Date of Decision: 03.08.2017

RAMESH AND ORS

-PETITIONERS

VS

KRISHANA DEVI AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Chanderhas Yadav, Advocate,
for the petitioners.

RAJ MOHAN SINGH, J. (ORAL)

Petitioners have filed this revision petition challenging the orders dated 15.12.2016 and 19.12.2016 passed by Civil Judge (Junior Division), Jhajjar vide which the applications for taking necessary action against the defendants for alleged construction on the land more than their share and appointment of local Commissioner were declined.

On 27.07.2015, a restraint order was passed qua construction and alienation beyond the share of the defendants. An application was filed by the defendants for permission to re-construct the room for cattle and fodder storage over the suit property. The application was allowed on 11.11.2016, however, it was observed that the defendants shall not raise construction beyond their share. If the construction is raised, the same shall

be subject to order dated 27.07.2015.

The application for taking action against the defendants was filed on the ground that they have constructed more than their share. The said application was rejected on 15.12.2016 on the ground that construction, if construction is found on the land more than the share of the defendants, the same shall be subject to order dated 27.07.2015.

The second prayer for appointment of local Commissioner was also declined on the ground that the process of the Court cannot be utilized to collect evidence for either of the party. Plaintiffs would be well within their right to lead substantive evidence to prove any such violation of order dated 27.07.2015.

Finding no substance in the revision petition, the same is accordingly dismissed.

03.08.2017

jjyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No