

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.5750 of 2017
Date of Order: 28.08.2017

Suresh Chand and another

..Petitioners

Versus

Smt. Kreshni and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. N.D.Achint, Advocate,
for the petitioners.

ANIL KSHETARPAL, J (Oral)

Plaintiffs are in revision petition against the order, passed by the first appellate Court accepting the appeal filed by the defendants, passed by the trial Court while deciding the application under Order 39 Rules 1 and 2.

Learned first appellate Court has noticed that Kura was owner of three baras i.e. Khasra Nos.148, 149, and 150. Bara in Khara No.150 was given to Gulab Singh, whereas bara in Khasra no.149 was given to Babu Ram and bara in Khasra No.148 was given to Kartara Ram.

Plaintiffs are legal heirs of Kartara Ram. The Court has *prima-facie* found that Babu Ram occupied western side of both the baras, whereas Kartar Ram occupied eastern side. A Local Commissioner was appointed, he has also gave a report to that effect. He has also reported that the defendants have already raised certain construction. Learned first appellate Court further found that there is no prima-facie case in favour of the plaintiffs to stop the construction in between.

In these circumstances, I do not find any good ground to interfere with the discretion exercised by the first appellate Court. The revision petition is, ordered to be dismissed.

August 28, 2017
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No