

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

CR No.6394 of 2017

Date of Decision: 20.09.2017

Vijay Kumar and Others

.....Petitioners

Vs.

Sanjeev Kumar and Others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Vivek Suri, Advocate, for the petitioners.

The petitioner has come in revision against the order dated 03.08.2017 (Annexure P-5) and order dated 09.03.2017 (Annexure P-4) whereby the application filed by the respondents under Order 39 Rule 1 and 2 read with Section 151 CPC has been allowed.

A perusal of the order passed by the learned trial Court shows that the present petitioners/defendants had opposed the application on the ground that the street in question was being maintained by the municipal council and it had been carved out by Mandi Karan Board, Punjab. The defendants. The defendants had neither challenged the said street has been maintained by the municipal corporation and nor placed on record any evidence to show that it was a public street.

Learned counsel for the petitioner states that he has a house opening in the said street and he is bounded by two gets at point C and D and further says that school children passed out through the street and no order for restraining the defendants for encroaching through demolishing the wall can be passed.

that defendants/petitioners had claiming ownership over the vacant area adjacent to the street in question and were trying to construct shops by demolishing the wall marked as C to D in the site plan which was constructed by the respondents and other residents jointly and as such. there is no illegality or infirmity in the order under appeal.

Learned appellate Court has also affirmed the order dated 09.03.2017 passed by the learned trial Court on the basis of same ground.

So in the light of the discussion, the orders of the Courts below do not reflect any material irregularity or perversity which warrant interference. Hence the present revision stands dismissed.

(RITU BAHRI)
JUDGE

20.09.2017
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No