

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 3515-2015 (O&M)
Date of decision: 02.05.2018

Tarlochan Singh

.....Petitioner

versus

Kulwinder Singh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Ms.Lovleen Dhaliwal, Advocate for the petitioner
Mr.G.S.Nagra, Advocate for respondent no.1

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Heard.

It comes out that vide order dated 23.4.2015, while disposing of the appeal against the order passed under Order XXXIX Rules 1 and 2 CPC 1908, learned Additional District Judge, Hoshiarpur, restrained the respondents from raising further construction in the suit property till the final decision of the suit. Respondents came in appeal before this Court. This Court vide order dated 27.5.2015 stayed the operation of impugned order and ordered that any construction, which the petitioner makes, will be subject to the final outcome of the suit and the proceedings and it will not be competent for the petitioner to plead for any equity at that stage. This Court is informed that the petitioners have already completed the construction in the intervening period of little less than three years. At this stage, no further construction is sought to be raised. The suit is for partition

between the brothers.

In these circumstances, the present revision petition is disposed of with a direction that no further construction shall be raised by the petitioners in the disputed property. However, it will be subject to the order already passed by this Court on 27.5.2015. Since, it is a partition suit and pending since the year 2014, in which preliminary decree is yet to be passed, the trial Court is directed to dispose of the same within six months.

The present revision petition stands disposed of accordingly.

Since the present petition has been disposed of, therefore, the pending CM, if any, also stands disposed of.

02.05.2018

gk

(Kuldip Singh)

Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No