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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.6071 of 2018

Date of Decision: 06.12.2018

Parminder Singh and another

..... Petitioners

Versus

Gurminder Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Naveen Batra, Advocate,
for the petitioners.

SUDIP AHLUWALIA, J. (ORAL)

The present revisional petition is directed against the impugned order dated 11.07.2018, passed by the Ld. Additional District Judge, Rupnagar, (Annexure P-4).

2. It may be mentioned that in the Suit filed by respondent No.1, the Ld. Trial Court being the Ld. Civil Judge (Senior Division), Rupnagar, had granted an interim injunction restraining the defendants, including the petitioners, from discharging waste water as well as rainy water of the Village in the disputed land, which was claimed to be a Cremation Ground, by the plaintiffs/respondents during pendency of the Suit.

3. Such order was passed after hearing both sides and examining the documents placed before the Ld. Trial Court.

4. The appeal preferred by the petitioners was dismissed vide the

impugned order dated 11.07.2018, passed by the Ld. Additional District Judge, Rupnagar, (Annexure P-4) on merits. The petitioners are, however, aggrieved only to the extent that exorbitant costs amounting to ₹2,500/- have been granted against him as a 'condition precedent' in the Suit.

5. In view of the orders which this Court is inclined to pass at this stage, notice need not be issued to the respondents as no conceivable prejudice is liable to be caused to them, and notifying them would unnecessarily lead to avoidable delay in actual trial of the Suit.

6. In the opinion of the Court, the quantum of costs awarded does not appear to be overtly exorbitant. However, if ultimately the version of the petitioners/defendants in the Suit, after a full fledged trial, is found to be correct, then such costs would appear to have been unnecessarily imposed in the first place.

7. Consequently, the present revisional petition is disposed off with a direction that payment of the costs awarded against the petitioners shall not be a condition precedent for further proceedings in the Ld. Trial Court. It may, however, be adjusted at a later stage after completion of trial, in case the Suit is actually dismissed on merits by the Ld. Trial Court.

06.12.2018*Apurva***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No