

114-5

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

CR No. 6625 of 2018

Date of Decision: 22.10.2018

Harcharan Singh

-Petitioner

Vs

Gulbagh Singh and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Deepak Nayar, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Both the Courts below have allowed the application under Order 39 Rules 1 and 2 read with Section 151 CPC on the ground that right to raise construction by the defendants on the basis of rent note dated 07.07.1959 would be the subject matter of consideration before the trial Court at an appropriate stage.

No findings in respect of validity of sale deeds in favour of the plaintiff can be recorded at this stage as the same are subject matter of evidence to be led by the parties at an appropriate stage.

The status of plaintiff being landlord or owner of the property by virtue of sale deeds would also be gone into by the

trial Court.

The admissibility of the aforesaid documents would be the moot point on the basis of evidence of the party. At this stage, allowing the defendants-tenants to raise construction may take away some accrued right in favour of the plaintiff.

At this pre-mature stage, no firm finding of fact can be recorded as the same may prejudice the case of the petitioner at a later stage.

In my considered opinion, there is no illegality and error of jurisdiction in the impugned order.

This revision petition is found to be totally devoid of merits and the same is accordingly, dismissed.

22.10.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No