

CR No.690 of 2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.690 of 2018 (O&M)
Date of decision: 30.05.2018

Amrik Singh

...Petitioner

Versus

Malkit Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikram Preet Arora, Advocate for the petitioner.

Mr. Munish Gupta, Advocate for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

Order passed by learned First Appellate Court granting temporary injunction to the respondents is impugned in the present revision petition.

Learned counsel for the petitioner-defendant has pointed out that the defendant has already constructed walls and even shuttering for laying down lintel has been fixed. He has further pointed out while referring to Annexure P6 that even steel required for laying down RCC lintel, has been affixed. He has submitted that the construction work at that stage has been stalled due to the order passed by the Court.

On the other hand, learned counsel for the plaintiff-respondent has submitted that the plaintiff has already examined himself in evidence and the suit can be expeditiously decided.

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Keeping in view the controversy involved, this Court is of the opinion that the ends of justice could be met if the petitioner is permitted to lay the lintel and complete whatever construction has already been raised. Then afterwards he would not be permitted to raise any further construction and he would also not be entitled to claim any equity on account of the construction, so raised.

Keeping the aforesaid facts, it is ordered that the order passed by First Appellate Court shall stand modified by permitting the petitioner to complete the construction without raising any further construction. Learned trial Court is requested to decide the suit within a period of six months from the date of receipt of certified copy of the order. Learned counsels for the parties have undertaken that they shall not seek any unnecessary adjournment and would complete the evidence. Plaintiff would be granted two months' time to complete the evidence and same two months' time further would be granted to the defendant-petitioner. However, petitioner would not be entitled to claim any equity on account of the construction, so raised.

(ANIL KSHETARPAL)
JUDGE

May 30, 2018
Ishwar

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No