

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

CR No.7723 of 2018
Date of Decision : 15.11.2018

Sunita Devi

...Petitioner

VERSUS

Ramesh Kansal

....Respondent

CORAM : HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Rahul Jaswal, Advocate for the petitioner.

B.S.WALIA, J. (Oral)

1. At the very outset, learned counsel states that he would not press the revision petition except to the extent of seeking a direction to the learned Addl. District Judge, Jind, to decide the application for stay filed in CMA No.41 of 2018, titled as 'Sunita Devi vs. Ramesh Kansal' expeditiously.

2. Brief facts of the case leading to the filing of the revision petition are that a suit was filed by the petitioner seeking permanent injunction restraining the respondent/defendant from establishing or installing any cattle feed plant or any other factory and machinery of any type in his residential plot mark 'EFGH' shown in red colour situated in residential area/colony named Khansar Chowk, Rama Colony, Safidon i.e. opposite residential house mark 'ABCD' shown in yellow colour comprised in khewat no.446, khata No.524, Rect. No.35, K. No.10,R. No.36, K.No.14/2, 15/2, area measuring 13 kanals 1 marla to the extent of 156/261 shares situated in the revenue estate of village Safidon without

seeking permission of the State/Central Govt. and also from creating nuisance, air pollution, sound pollution, foul smell etc. in his plot forcibly and illegally with the help of his agents, servants and family members etc. in any manner whatsoever.

3. Learned counsel contends that initially order of status quo was granted in favour of the petitioner on 15.06.2018. However, the same was vacated by the learned trial Court vide order dated 10.07.2018. Appeal was filed by the petitioner against order dated 10.07.2018 along with an application for stay. However, the same has not been decided till date and the respondent-defendant is continuing to construct the premises for installing cattle feed plant etc.

4. In view of the nature of order proposed to be passed, I do not deem it necessary to issue notice to the respondent, as the same would entail delay of conclusion of proceedings as also incurring of expenditure by the respondent.

5. In view of the position as noted above, the revision petition is disposed of by directing the learned Addl. District Judge, Jind, to consider and decide the application for stay in accordance with law as expeditiously as possible preferably within a period of three months from today.

6. Revision petition disposed of in aforementioned terms.

(B.S.WALIA)
JUDGE

15.11.2018

rajesh.k.khurana

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No