

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

CR-8286-2017 (O&M)

Date of decision : 14.3.2018

Prem Chand Prajapat and others Petitioners

Versus

Jai Ambe Sewa Charitable Trust and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Nipul Vashist, Advocate for the petitioners.

Mr. Sanjay Mittal, Advocate for respondents.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 9.11.2017 (Annexure P-7), passed by learned Additional District Judge, Rewari, affirming the order dated 31.8.2017 (Annexure P-5), passed by learned Civil Judge (Junior Division), Rewari, vide which an application filed under Order XXXIX Rule 1 and 2 read with section 151 of the Code of Civil Procedure, 1908 was allowed and the defendants were restrained from interfering into the peaceful possession and creating any short of obstacle in the renovation/repairing work carried out by the plaintiff-trust of Dharamsala or its properties or encroachment of suit land detailed in para No. 4 of the plaint.

Appeal against the said order was dismissed by learned Additional District Judge, Rewari vide its order dated 9.11.2017 (Annexure

At the stage of arguments, learned counsel for the petitioners-defendants has referred to the observations made by lower Appellate Court wherein it has been mentioned that there is an old memorial inside and there is an old dilapidated construction in Dhanna Ram Dharamshala. He further submits that said memorial is of the forefathers of the petitioners-defendants and that he confines his prayer only to the extent that the said memorial should not be demolished, pending the disposal of the suit. On the other hand, learned counsel for respondents has stated that there is no such memorial. He has no objection if the said memorial is allowed to be protected if it is in existence, till the disposal of the suit.

It being so, while upholding the order passed by two Courts below, it is directed that if any memorial is situated inside the said building of the Dharmshala, the same will not be demolished till the disposal of the suit. Needless to say that plaintiffs-respondents can always renovate the remaining part of the Dharmshala.

In view of above, present petition is disposed of.

Since, the main petition has been allowed, the miscellaneous application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

14.3.2018
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Whether speaking / reasoned	Yes
Whether Reportable:	No