

IN THE HIGH COURT OF PUNJAB ANDHARYANA AT
CHANDIGARH

CR No. 3984-2019

Date of decision:-18.07.2019

RAKESH KUMAR AND ANR.

.....Petitioners

vs.

RAMESHWAR NATH (DECEASED) THROUGH LRS AND ORS.

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sanjay Vashishth, Advocate
for the petitioners.

RITU BAHRI, J.(Oral)

The petitioner has come up in revision for setting aside of judgment dated 28.05.2019 (P-8) passed learned Addl. District Judge Gurugram whereby appeal under Order 43 Rule 1 ® C.P.C has been allowed by setting aside order dated 29.03.2019 (P-5).

Petitioners filed a suit seeking decree of partition with consequential relief of permanent injunction. An application was also seeking temporary injunction and vide order dated 29.03.2019 (P-5) parties were directed to maintain status quo with regard to existing position and state of affairs of the suit property and the defendant Nos 4 to 6 were restrained from raising any further construction of any kind over any portion of suit land till the final decision of the present case.

An appeal was filed against the above order by the respondents, which was allowed on 28.05.2019 and hence the present petition.

A bare perusal of impugned order/judgment shows that the construction is on the first floor adjoining the already existing room. It is an

already existing house. Thus, the allegations of the petitioners that

respondents are raising pucca construction over the whole land was found to be false.

No case is made out to interfere for setting aside of judgment dated 28.05.2019 (P-8) passed learned Addl. District Judge Gurugram, as the impugned order does not suffer from any misappropriation of facts.

Dismissed.

18.07.2019
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No