

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

**CR No.4912 of 2019(O&M)
Date of Decision: 03.10.2019**

Deepa and others

....Petitioners

Versus

Dinesh Kumar and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Ajay Jain, Advocate
for the petitioners.

Mr. Sanjiv Gupta, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioners have preferred this revision petition against the order dated 01.08.2019 passed by Additional District Judge, Rewari, vide which order dated 03.07.2019 passed by Civil Judge (Junior Division), Rewari was set aside.

[2]. Civil Judge (Junior Division), Rewari vide order dated 03.07.2019, directed the defendants to complete their construction as per law and if while doing so, any damage was caused to the property of the plaintiffs, then the defendants would make good the loss/damage by way of repairing the same. The said order was reversed by the Lower Appellate Court, thereby, restraining the defendants completely from

raising further construction vide order dated 01.08.2019.

[3]. Both the aforesaid orders were passed at *ad interim* stage before deciding the application under Order 39 Rules 1 and 2 CPC on merits. The said application is still pending before the trial Court.

[4]. At this stage, without going into the merits of the case, lest it may prejudice the case of either sides, I am of the considered opinion that the trial Court shall be directed to decide the application under Order 39 Rules 1 and 2 CPC on merits without being influenced by any statement of facts recorded in the impugned order or observations made at any stage. The trial Court shall decide the application either on the date fixed or soon thereafter, preferably within two weeks from the next date of hearing.

[5]. Disposed of accordingly.

03.10.2019

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No