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

CR No. 5733 of 2019

Date of Decision: 13.09.2019

Smt. Shakuntla

-Petitioner

Vs

M/s Jind Agri Services Private Limited and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vijay Pal, Advocate,
for the petitioner.

Mr. Amit Kumar Jain, Advocate,
for the caveator-respondent No.1.

RAJ MOHAN SINGH, J. (ORAL)

Respondents No.2 and 3 are the Directors of
respondent No.1.

This revision petition has been preferred against the
order dated 27.05.2019 passed by Additional District Judge,
Jind whereby order dated 02.04.2019 passed by Civil Judge
(Junior Division), Safidon was set aside and the application
under Order 39 Rules 1 and 2 read with Section 151 CPC was
dismissed.

Plaintiff-petitioner filed a suit for permanent injunction
restraining the defendants-respondents from encroaching upon
any part of Gair Mumkin Rasta.

It appears from the record that the Panchayat has passed a resolution for exchange of land under path in favour of the respondent-Company. Process of exchange is pending approval at the government level. The trial Court granted injunction thereby restraining the respondents from encroaching upon any part of passage in dispute and from raising any construction over it and also from obstructing the plaintiff from use of path till final disposal of the suit.

The order of the trial Court has been set aside by the Additional District Judge, Jind vide the impugned order, however, the lower Appellate Court has restrained the defendants-respondent No.1 from raising any construction over the path in question till process of exchange is exhausted.

Only grievance of the petitioner at this stage is that after the process of exchange is complete, plaintiff would be entitled to assail the same in a lawful manner before the competent Court, but till such time, free use of passage by the plaintiff may not be curtailed.

Mr. Gaurav, Project Manager of respondent No.1 is present in Court.

Learned counsel for respondent No.1 on instructions from him states that respondent No.1 has already been restrained from raising construction till process of exchange is

completed, therefore, till finalization of proceedings of exchange, respondents do not wish to create any hindrance in free use of passage by the plaintiff.

After completion of process, both the parties would be at liberty to avail their legal remedies in accordance with law.

With this clarification, this revision petition is disposed of.

13.09.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No