

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

**CR No. 3721 of 2016 (O&M)
Date of Decision: 30.01.2020**

Rajinder Kumar

.... Petitioner

Versus

Kumarpal Jain and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aakash Singla, Advocate
for the petitioner.

Mr. Mayank Mathur, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-petitioner has filed the present revision petition against order passed by learned trial Court dated 25.04.2016 dismissing an application for directing the defendants to allow Sh. Hitesh Kumar, Building Expert, Samana to inspect the shop on the ground floor, accompanied by a photographer, helper and the plaintiff.

The plaintiff is the owner of the shop on the first floor whereas the defendant is the owner of the shop on the ground floor. The plaintiff has filed a suit for permanent injunction, mandatory injunction and for compensation. It is the case of the plaintiff that certain daats and archs to support the roof have been removed by the defendants.

Learned counsel appearing for the respondents has submitted that he has no objection if the plaintiff or his expert accompanied by a photographer is permitted to inspect the shop on the ground floor on any working day during working hours. He further submitted that the plaintiff should not be allowed to damage either the false ceiling or affixtures put along with the wall such as wood work for displaying of articles.

Keeping in view the aforesaid statement, present petition is allowed. The plaintiff along with a building expert accompanied by a photographer shall be permitted to inspect the shop on the ground floor on any working day during working hours. However, he shall not be permitted to cause damage to the fittings and affixtures including fall ceiling.

Petition allowed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

(ANIL KSHETARPAL)
JUDGE

30.01.2020
Maninder

Whether speaking/reasoned : Yes
Whether reportable : No