

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4331 of 2019

Date of Decision: 13.1.2020

Rohit

...Petitioner

Vs.

Lata Devi

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Petitioner in person.

Mr. Gautam Diwan, Advocate
for the respondents.

RAJIV NARAIN RAINA, J. (Oral)

1. The file of Civil Suit No. 1 of 2019 is brought up to this Court by transfer in exercise of powers under Section 24 of the CPC to try and dispose of the suit itself to bring an effective end to the proceedings. The file of the contempt application presented under Order 39 Rule 2A CPC by the plaintiff for breach of status quo order is also transferred to this Court, both the files are transferred notionally on the board of this Court to be heard and disposed of today.

2. Petitioner-in-person and the learned counsel for the respondent have been heard and by keeping in view the fact that the parties are immediate neighbours and they should not war with each other forever on the dispute regarding sharing of costs of common wall of the two properties i.e. plot Nos. 16 and 17, Shiva Enclave, Patiala Road, Village Bhabat, Tehsil Dera Bassi, SAS Nagar Mohali is settled

in the light of valuation report submitted by the respondent of the total cost incurred in the construction of common wall up to three storeys determining it to be ₹2,53,795/-, the half share of which works out to be ₹1,26,898/-. Also in view there is a bonafide quarrel regarding the construction of the foundation up to DPC level and rain water pipe through the wall which the petitioner-in-person complains is a lost opportunity because of the prior construction on respondent's property he would never be able to do so without risk to the buildings, therefore, half the share is reduced to ₹1,15,000/- to be paid by the petitioner-in-person or his mother, who is stated to be owner of the property, before he starts any further construction beyond what he has already constructed.

3. It is noticed that there was a status quo order of the trial Court operating against the defendant-petitioner-in-person restraining him from making further construction. In the breach of injunction/contempt application under Order 39 Rule 2A of the CPC the case is that the defendant raised the ground floor construction despite the status quo order dated 15.2.2019.

4. The respondent counsel had insisted on the full half share but I thought it fit in the interest of justice to give an amicable quietus to the dispute to stop festering like a wound, to reduce it marginally to accommodate and balance out the competing interests equitably. Accordingly, this petition is disposed of. The defendant/including the

petitioner and his mother are permitted to carry out the further construction to the 3rd floor after a sum of ₹1,15,000/- is paid to the plaintiff in the trial Court, upon which the *status quo* order will obviously stand vacated automatically and the suit itself is ordered to be disposed of as compromised in terms of the settlement arrived at in this Court today with the spirit of give and take.

5. The payment in a sum of ₹1,15,000/- will be made before the learned trial Court by bank transfer/RTGS into the account of the plaintiff-respondent with proof produced before the trial Court, upon which both the proceedings shall stand closed and the files consigned to the record room.

6. Accordingly, both the files are returned notionally to the learned trial court to give effect to this order passed *ex debito justitiae* so that abiding peace and harmony is maintained between the squabbling parties over a trivial matter, saving much of court time that would be spent, if parties are left to slugfest the dispute and nit-pick on sharing costs of the common wall separating the two houses.

7. Parties to appear before the learned trial court on the date already fixed, or to be fixed.

(RAJIV NARAIN RAINA)
JUDGE

13.1.2020

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Whether speaking/reasoned : Yes
Whether reportable : Yes/No