

124-1266

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

**CR No.1266 of 2021
Date of Decision:15.07.2021**

Joginder Singh

...Petitioner

Versus

Subhash Gandas and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: - Mr.Kunal Dawar, Advocate,
for the petitioner.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL. J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

This revision petition has been filed for setting aside orders dated 06.05.2021 & 25.05.2021, passed by learned Civil Judge (Jr. Div.), Gurugram and learned Additional District Judge, Gurugram, respectively. Petitioner/plaintiff along with his suit for declaration with consequential relief of permanent and mandatory injunction, filed an application under Order 39 Rules 1 & 2 CPC, for restraining defendants from raising any construction on the suit property during pendency of the suit. Application under Order 39 Rules 1 & 2 CPC, filed by the petitioner was dismissed by the learned trial Court. Learned Additional District Judge, Gurugram, in appeal filed by the

petitioner, while upholding the order dated 06.05.2021 passed by the learned trial Court, however, directed that defendant No.1 may carry out construction (with other necessary sanctions) at his own risk and in case the present petitioner/plaintiff succeeds in the suit, then if required, defendant No.1 would be liable to deliver vacant possession of the suit land by demolishing the structure at his own cost without any demur.

Keeping in view the said modification, learned counsel for the petitioner seeks to withdraw this Revision Petition with liberty to the petitioner to take all the pleas, available to him in the pending suit.

Dismissed as withdrawn with aforesaid liberty.

(LISA GILL)
JUDGE

15.07.2021

Vivek

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