

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-7599 of 2018(O&M)
Date of decision: 20.07.2022

Sushma and another

..Petitioners

Versus

Tan Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhinav Sood, Advocate, for
Mr. Vikram Singh, Advocate,
for the petitioners.

ANIL KSHETARPAL, J(Oral)

A suit for grant of permanent injunction was decreed on 02.09.2011. The dispute is between two neighbours, who have common wall between their respective properties. While passing the decree in 2011, the Court has observed that both the parties are entitled to use the wall equally. An execution filed under Order 21 Rule 32 CPC has been dismissed by the Court while observing that the common wall can be used by both the parties and the judgment debtor shall not restrain the decree holder from using the common wall.

The learned counsel representing the petitioners contends that the Court had also passed a decree retraining the judgment debtor from raising further construction to the extent of complete width of the common wall. The Executing Court, after framing the issues, permitted the parties to lead evidence. It has come on record that the judgment debtor has only installed a grill over its portion of the joint/common wall and not on the entire width.

In view thereof, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

July 20th, 2022

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(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>