

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

CR-6180-2019 (O&M)

Date of decision: 02.05.2022

Saraswati Mandir Primary School and another

....Petitioners

Versus

Vinod Gupta and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None

ANIL KSHETARPAL, J (Oral)

The petitioners herein are the plaintiffs in a pending suit for grant of decree of permanent injunction restraining the defendants from illegally and unlawful interfering/intermeddling into the peaceful possession of the plaintiffs. The suit was filed on 29.05.2018. During the pendency of the suit, the trial court, on appreciation of the pleadings, culled out the issues. The plaintiffs' application under Order 14 Rule 5 Code of Civil Procedure, 1908, for striking off issue no.2, as redundant, has been dismissed.

The trial court is still seized of the matter. The trial court has noticed that the defendant is required to prove dilapidated condition of the building, in dispute. In these circumstances, the court has dismissed the application.

In the considered opinion of the Court, if an issue has become redundant, the trial court, while finally deciding the case, can form an opinion, after the appreciation of evidence. At this stage, it would not be appropriate to interfere with the order passed by the court.

Disposed of.

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

02.05.2022
rekha

(ANIL KSHETARPAL)
JUDGE

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