

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

RSA-1350-2018 (O&M)

Date of decision: 23.08.2022

Mani Ram

....Appellant

Versus

Ramotar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.K.Girdhwal, Advocate for the appellant
 Mr. Sanjay Mittal, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

While assailing the concurrent findings of facts arrived at by the courts below, the plaintiff has filed the present appeal. The plaintiff claims that the parties are co-owners and the defendant has constructed a Dharamshala, which existed on the joint land. The defendant wants to carry out further construction in the adjoining land.

On the other hand, defendant claims that the joint property has orally been partitioned 25 years back and there is a Dharamshala as well as a cottage existing at the spot, which is in accordance with the share of the defendant.

Both the courts have dismissed the suit.

Heard the learned counsel representing the parties and with their able assistance perused the paperbook. Learned counsel representing the appellant contends that if the defendant is permitted to continue with the construction, the plaintiff will suffer irreparable loss and injury.

Per contra, learned counsel representing the defendant (respondent herein) submits that construction, if any, shall be subject to

the partition and he will not claim any compensation.

Keeping in view the aforesaid stand taken by the learned counsel representing the defendant, no ground to interfere is made out. The appeal is disposed of. However, the defendant shall not be entitled to claim any equity merely on account the construction.

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

23.08.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE