

In the High Court of Punjab and Haryana, at Chandigarh

1. Regular Second Appeal No. 6393 of 2017 (O&M)

Gurmeet Kaur and Another

... Appellant(s)

Versus

Smt. Subhash Kumari and Others

... Respondent(s)

AND

2. Regular Second Appeal No. 1402 of 2018 (O&M)

Gurmeet Kaur and Another

... Appellant(s)

Versus

Smt. Subhash Kumari and Others

... Respondent(s)

DATE OF DECISION: 04.04.2022

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vipul Aggarwal, Advocate
for the appellant(s).

Mr. Sandeep Khunger, Advocate
for the respondent No.1 and 2.

Anil Kshetarpal, J.

1. This order shall dispose of Regular Second Appeal No. 6393 of 2017 and 1402 of 2018.

2. Two neighbours, having adjoining houses, are litigating in the Courts for quite a some time. Subhash Kumari (the plaintiff No.1) has purchased a plot No. 38 measuring 200 square yards, located in Partap Nagar, G.T.Road, Amritsar, whereas Gurmeet Kaur and Charanjit Singh (the defendants) have purchased a plot No. 37. By way of agreement, both the parties decided to have a common wall in between their houses.

Subsequently, a dispute between the parties was resolved with the intervention of the respectables on 24.01.1983. The original document is Ex.PW.2/2 and Ex.D20. It is in gurmukhi language.

3. The learned counsel representing the parties have stated that both the parties have agreed to resolve their dispute in terms of the aforesaid settlement and they undertake to comply with the aforesaid agreement in its letter and spirit.

4. The plaintiffs complain that while increasing height of the common wall beyond 5 feet, the defendants have constructed a wall with a width of 4 feet, towards their own side. Whereas, subsequently, after putting beam, the width of the wall has been increased to 9 feet. In the considered view of the Court, it is only a small dispute which should not remain pending in the Court. The plaintiffs shall be entitled to construct the remaining 4 inches thick wall on their side and utilize the common wall in accordance with the settlement. The plaintiffs shall be entitled to place a slab of the roof on the common wall by using width upto 4½ feet.

5. This order has been passed with the consent of the learned counsel representing the parties.

6. With the observations made above, both the appeals are disposed of.

7. The miscellaneous application(s) pending, if any, in both the appeals, shall also stand disposed of.

**(Anil Kshetarpal)
Judge**

April 04, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No