

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

CR-8039-2019(O&M)

Date of decision:-16.11.2022

Asha Rani

...Petitioner

Versus

Mohan Lal and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Rahul Jaswal, Advocate
for the petitioner.

Mr.Rajesh Beniwal, Advocate
for the respondents.

H.S. MADAAN, J.(ORAL)

1. Plaintiff Asha Devi had brought a suit against defendants, Mohan Lal, Joginder, Ramdhari and Somnath, all residents of village Rair Kalan, Tehsil Madlauda, District Panipat, seeking a decree for permanent injunction restraining the defendants from raising construction of Ramleela shed in the street vesting in the Gram Panchayat in front of house of plaintiff situated at village Rair Kalan, Tehsil Madlauda, District Panipat.

2. On getting notice, the defendants had put in appearance and filed written statement contesting the suit. During the course of proceedings, the plaintiff filed an application for passing the decree on the

basis of joint statement dated 13.9.2019 made by defendants that they would not make any construction in the suit property. According to the plaintiff in that way, the defendants had admitted the claim of the plaintiff, therefore the suit should be decreed in terms of that statement.

3. The application was resisted by the defendants contending that the house of the plaintiff is approximately 50 feet away from the main stage and is in the adjoining street; the construction is being made as per resolution of the Gram Panchayat for the benefit of the community and they had no such intention while making the statement.

4. After hearing arguments, the trial Court of Civil Judge (Jr.Divn.), Panipat vide the impugned order dated 20.11.2019 dismissed the application observing that the plaintiff had filed the suit for restraining the defendants from making any construction in concrete upon the Ramleela ground; on 13.9.2019, the defendants had collectively suffered a statement that they would not make any further construction and would only perform Ramleela and furthermore from the perusal of the written statement, it is not reflected that the defendants do not have any intention of making any further construction in future and statement was suffered for the interim purpose only. It was further observed that any such statement made by the defendants cannot bind the Gram Panchayat when the original construction is allegedly being made utilizing the funds of Gram Panchayat.

5. Feeling aggrieved by that order dated 20.11.2019, the plaintiff has approached this Court by way of filing the present revision petition, notice of which was given to the respondents, who put in

appearance through counsel.

6. I have heard learned counsel for the parties besides going through the record and I find that the revision is without merit.

7. The reasoning given by the trial Court is absolutely correct and justified. The plaintiff is unnecessarily insisting that the suit be decreed in terms of the statement made by the defendants in the Court on 13.9.2019 when it is specifically recorded by the trial Court that such statement was for the purpose of interim purpose only.

8. Learned counsel for the revisionist has referred to various judgments i.e. **Om Parkash Versus Nishan Singh and another, 2019(2) PLR 302, Uttam Singh Dugal and Co. Ltd. Versus United Bank of India, 2000(4) RCR(Civil) 89** and **Karam Kapahi & Others Versus M/s Lal Chand Public Charitable & Anr., 2010(2) RCR(Civil) 683**. However, those do not find application to the present case due to different facts and circumstances and the context in which such observations had been made.

9. The order passed by the trial Court is detailed and well reasoned without there being any element of arbitrariness. The same does come out to be suffering from any illegality or infirmity much less apparent on the face of it. While passing this order, the discretion has been exercised by the trial Court in a judicious manner. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction. No substantial question of law or fact arises in this case.

10. The revision petition is thus found to be without merit and is dismissed accordingly.

16.11.2022
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No