

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

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CR-440-2023 (O&M)

Date of decision : 01.02.2023

Jarnail Singh and another

... Petitioners

Versus

Karnail Singh and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Atul Jain, Advocate for the petitioners.

Anupinder Singh Grewal, J. (Oral)

CM-2015-CII of 2023

This application is for placing on record Annexures P-9 and P-10.

Heard. For the reasons stated in the application, the same is allowed and Annexures P-9 and P-10 are taken on record subject to all just exceptions.

Main case

The petitioners have impugned the order dated 08.12.2022 (Annexure P-8) whereby their application under Section 144 CPC has been declined.

Learned counsel for the petitioners submits that the respondents had carried out encroachment on the passage and therefore, they have filed an application for restitution after the decree of the Court in their favour.

Heard.

The appeal filed by the petitioners/plaintiffs against the order of the trial Court declining their suit for permanent injunction had been allowed

on 10.12.2015 (Annexure P-5) to the extent that the defendants/respondents are restrained from making further addition and alteration. It was also held that the Municipal Council, Kapurthala shall be at liberty to plant trees/plants along with passage for beautification only.

I am in agreement with the reasoning in the impugned order (Annexure P-8) that there was no direction for removal of the encroachment which is stated to have been made during the pendency of the suit or the appeal. The direction was only for restraining the defendants/respondents from making further addition and alteration.

Consequently, I do not find any merit in this petition which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

February 01, 2023
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No