

2023:PHHC:158616
132 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1812-2020 (O&M)
Date of decision: 11.12.2023

Santra and another

...Petitioners

Versus

Sunita Devi and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ajit Sihag, Advocate for the petitioners

Mr. Sumit Sangwan, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

1. The learned trial court, in exercise of its discretionary jurisdiction, has appointed a Local Commissioner to see the existing state of affairs over the site in question. The correctness of the aforesaid order has been challenged in this revision petition. The petitioners herein are defendants in the plaintiff's suit for the grant of decree of mandatory injunction. It has been claimed by the respondent (plaintiff before the trial court) that the petitioner has encroached upon the area of the street and the decree for mandatory injunction should be passed directing the demolition of the structure, which has been constructed after the encroachment.

2. The learned counsel representing the petitioners contends that after availing as many as nine opportunities to lead the evidence, the plaintiff has filed the application, which has been

allowed. He submits that the court is not expected to collect the evidence on behalf of the plaintiff.

3. This Court has considered the submissions made by the learned counsel representing the parties. The entire dispute in the present case is with regard to the alleged encroachment.

4. Keeping in view the aforesaid facts, the trial court has exercised its discretionary powers, which does not warrant any interference of this Court in the exercise of its revisional jurisdiction.

5. Hence, dismissed, accordingly.

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

11.12.2023

rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No