

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113)

CR No. 2121 of 2023 (O&M)

Date of Decision : 12.04.2023

Archna Kathuria and another

...Petitioners

Versus

Sh. Sandeep Doda and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashwani Talwar, Advocate with
Mr. Subodh Gupta, Advocate for the petitioners.

Harsimran Singh Sethi J. (Oral)

CM-6255-CII-2023

Present application has been filed for placing on record the documents as Annexures P-1 to P-14 as well as seeking exemption from filing certified copies of the same.

Application is allowed and documents as Annexures P-1 to P-14 are taken on record with all just exceptions.

CR-2121-2023

After arguing for some time, learned counsel for the petitioners prays that the present petition may kindly be disposed of having been not pressed any further qua the impugned orders dated 11.11.2022 (Annexure P-11) and 06.03.2023 (Annexure P-13).

Learned counsel for the petitioners submits that it may kindly be clarified that any observation of the courts in the impugned orders, will not bind the parties as the same is only a tentative opinion and should not

cause prejudice to the petitioners during the trial. Learned counsel for the

petitioners further submits that any construction to be undertaken by the respondents on the disputed property may be made subject to the outcome of the suit.

Qua the prayers being made by learned counsel for the petitioners with regard to any observation made by the court while passing the interim order, it may be noticed that the said observations are only tentative so as to decide the grant of interim prayer. The suit will be decided on the basis of the complete evidence, which will come on record. The apprehension of the learned counsel for the petitioners that the observation made by the courts in the impugned orders will cause prejudice to the petitioners, has not been substantiated and cannot be accepted at this stage. In case, any observation made by this court in the present order is taken against the petitioners during the trial, the petitioners will be at liberty to avail appropriate remedy for the redressal of their grievance at that stage.

Further, with regard to the prayer that the construction or the change of nature of the suit property at the hands of defendants to be made subject to the outcome of the suit, it goes without saying that any construction, which will be done by any of the party on the suit property during the pendency of the suit is always subject to the final outcome of the suit.

Present civil revision petition is disposed of being not pressed any further.

April 12, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No