

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113)

CR-2315-2023

Date of Decision : May 02, 2023

Trilok Chand and others

.. Petitioners

Versus

Land Acquisition Collector and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Lekh Raj Sharma, Advocate, with
Mr. Abhishek Sharma, Advocate,
Mr. Abhikant Vats, Advocate,
Mr. Raj Kumar Sharma, Advocate and
Ms. Harvinder Kaur, Advocate, for the petitioners.

Mr. Jai Vir Yadav, Senior Advocate, with
Mr. Tarun Yadav, Advocate and
Mr. Nitish Sharma, Advocate, for caveator-respondent No.4.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present civil revision petition, the challenge is to the order passed by the lower Appellate Court dated 02.02.2023 (Annexure P-11) by which, the application filed under Order 39 Rule 1 and 2 of the CPC by the petitioners-plaintiffs, has been dismissed.

The only question which arises for determination in this petition is how to protect the interest of the respective parties so that at the end of the trial, nobody is prejudiced on the basis of the interim order passed by the Court.

Learned senior counsel for respondent No.4 submits that even though the suit filed by the petitioners-plaintiffs is not maintainable and prima facie, keeping in view the Award passed on acquisition of land, copy of which has been appended as Annexure P-8, which is of the year 1985-86, the land of the plaintiffs stood acquired hence, no suit is maintainable but still, the respondents undertake that in case when the litigation between the parties concludes and the petitioners-plaintiff succeeds in his prayer for any construction undertaken during the pendency of the said litigation, no enquiry will be claimed to oust the plaintiffs for the grant of benefit as allowed by the competent Court of law.

Learned counsel for the petitioners submits that keeping in view the statement of the learned counsel appearing on behalf of the respondent No.4, the present civil revision petition may kindly be disposed of having been not pressed any further.

Ordered accordingly.

May 02, 2023

harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No