

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 1414 of 2021****Date of Decision: 03.11.2023**

Omkar

... Petitioner(s)

Versus

Sub Divisional Engineer, Provincial Sub Division, PWD B &R, Kosli,
District Rewari and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. D.P.S.Joura, Advocate
for Mr. J.P.Jangu, Advocate
for the petitioner(s).

Ms. Vibha Tewari, Assistant Advocate General,
Haryana, for the respondent No.1 and 2.

Anil Kshetarpal, J.

1. When the civil suit was at the final stage, the State of Haryana has filed an application under Order XXV Rule 1 and 2 of the Code of Civil Procedure, 1908, for dismissing the suit on the ground that the property in dispute is being used as a passage. It was claimed that previously, it was a kachha passage, however, subsequently a road was constructed. In the suit, the plaintiff claims that the aforesaid property is a part of his property and the Government wants to illegally encroach upon the property of the plaintiffs.

2. The trial Court has allowed the application on the ground that *prima facie*, the plaintiffs have encroached upon the common passage.

3. On 10.12.2021, a coordinate Bench, while issuing the notice of

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motion, stayed the operation of the impugned order which has continued to remain in force.

4. As per the information available on the website, on 02.05.2023, the case was adjourned for rebuttal evidence. The order passed on 02.05.2023 by the trial Court is extracted as under:-

“Today, case is fixed for rebuttal evidence. At this stage, an application for appointing Local Commissioner has been moved by plaintiff through his counsel. Now, to come upon 24.05.2023 for filing reply of the above said application by the defendants.”

5. Keeping in view the aforesaid facts, the present revision petition is disposed of while directing the trial Court to decide the pending suit within a period of one month from today, if already not decided. Till then, the interim order dated 10.12.2021, shall continue to operate.

(Anil Kshetarpal)
Judge

November 03, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No