

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

140

2023:PHHC:114811

**CR-4198-2022 (O&M)
Date of decision: 01.09.2023**

RAMDHAN

..Petitioner

Versus

RAMPHAL AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Saurabh Dalal, Advocate for the petitioner.

Mr. Vimal K. Gupta, Advocate for respondents.

ANIL KSHETARPAL, J(Oral)

1. In this litigation, two neighbours are embroiled in a controversy. The bone of contention is a common wall between two plots. On the ground floor, the width of wall is 14 inches. On the first floor, the petitioner has constructed 9 inches wall while leaving 5 inches space towards the plot of the respondents. The petitioner filed a suit restraining the respondents from demolishing a portion of the common wall. The trial Court allowed the application, whereas, the First Appellate Court has dismissed the application on the ground that the plaintiff (petitioner) has exceeded the prescribed limits as he has constructed 9 inches wall rather than utilizing his 7 inches space.

2. After arguing at some length, the learned counsel representing the parties have come to a consensus. The learned counsel representing the petitioner submits that he has no objection if the respondents are permitted to utilize their 7 inches space on the common wall. He submits that the respondents can construct their 5 inches wall along with the common wall of 9 inches on the first floor and, thereafter, utilize the complete 7 inches for putting lintel.

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3. The learned counsel representing the respondents has no objection to the aforesaid proposal.
4. The learned counsel representing the parties state that they will file a deed of settlement between the trial Court in order to get the suit disposed of in terms of the amicable settlement.
5. Keeping in view the aforesaid facts, no further order is required to be passed, the revision petition is disposed of.
6. All the pending miscellaneous applications, if any, are also disposed of.

September 01st, 2023
Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*