

2024:PHHC:072919



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

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**RSA-1487-1995 (O&M)
Date of Decision : 22.05.2024**

RANDHIR

... Appellant

VERSUS

SHIV LAL AND ORS

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mohit, Advocate for the appellant.

Mr. Sumit Sangwan, Advocate for respondents No.3, 4 and 6.

ALKA SARIN, J. (ORAL)

1. Mr. Mohit, Advocate has appeared and has filed his fresh power of attorney on behalf of the appellant. The same is taken on record. Mr. Sumit Sangwan, Advocate has appeared and has filed his power of attorney on behalf of respondents No.3, 4 and 6. The same is also taken on record.

2. The present appeal has been filed challenging the judgment and decree dated 18.04.1995 passed by the learned Additional District Judge, Bhiwani vide which the judgment and decree dated 28.09.1991 passed by the learned Additional Senior Sub-Judge, Charkhi Dadri was reversed and the suit of the plaintiff-appellant was dismissed.

3. Learned counsel for respondents No.3, 4 and 6, at the outset, states that the Trial Court had decreed the suit of the plaintiff-appellant holding that the defendant-respondents would not interfere in the construction raised by the plaintiff-appellant over the site in dispute without following the due course of law. The said finding has been reversed by the



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learned Appellate Court. Learned counsel for respondents No.3, 4 and 6 would further states that he concedes that the findings of the Appellate Court are not sustainable in law and the same may be reversed and that the judgment and decree passed by the learned Trial Court may be restored.

4. Heard.

5. In view of the above the present appeal is allowed and the judgment and decree passed by the learned Additional District Judge, Bhiwani is set aside and that of the learned Trial Court is restored and the suit of the plaintiff-appellant is accordingly decreed.

6. As per the law laid down by a Constitution Bench of the Hon'ble Supreme Court in the case of **Pankajakshi (dead) through LR's & Ors. vs. Chandrika & Ors. [2016 (6) SCC 157]** there is no requirement for framing of substantial questions of law in the present appeal.

7. Pending applications, if any, also stand disposed off.

22.05.2024

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO*