



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

136

CR-1825-2024 (O&M)

Date of Decision : 17.07.2024

RAJ KUMAR (SINCE DECEASED) THR LRS

.... Petitioners

VERSUS

KAREENA & ANR.

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. R.A. Sheoran, Advocate for the petitioners.

Mr. Manish Mehta, Advocate for the respondents.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Article 227 of the Constitution of India challenging the order dated 03.01.2024 passed by the First Appellate Court allowing the appeal of the defendant-respondents and setting aside the order dated 30.09.2022 passed by the Trial Court on an application under Order 39 Rules 1 and 2 CPC.

2. The grievance of the petitioners in the present case is that the Appellate Court while deciding the appeal though has restrained the defendant-respondents from carrying out construction on more than their share of the property, however, it has been specified to be approximately 1/3rd of the total front of Killa No.21//19.

3. Learned counsel appearing on behalf of the respondents states that the defendant-respondents would not construct on more than their share of the property.

4. In view of the statement made by the learned counsel for the defendant-respondents, the present revision petition is disposed off with a direction to the defendant-respondents that they shall not raise construction on more than their share of the property and that any construction raised on the said property would be subject to the outcome of the partition proceedings. It is also made clear that any observations made in the orders passed by both the Courts and by this Court would not be taken as an expression of opinion on the merits of the case. Pending applications, if any, also stand disposed off.

17.07.2024

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*