



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

305

CR-3514-2023
Date of decision : 07.08.2024

Abdul Gafoor and another Petitioners

versus

Umar Mohammad Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Suresh K. Jindal, Advocate
for the petitioners.

Mr. Amit Kumar Jain, Advocate for
Mr. Munfaid Khan, Advocate
for the respondent.

PANKAJ JAIN, J. (Oral)

1. This is a revision filed under Article 227 of the Constitution of India assailing order dated 06.03.2020 passed by Trial Court in Civil Suit No. 213 of 2020 and order dated 19.05.2023 passed by First Appellate Court.
2. The petitioners claim to be running a school constructed on land in dispute which is subject matter of suit for partition. They made prayer that in order to run the institution effectively, they be allowed to raise boundary wall around the school and to construct toilets. Mr. Jindal has placed on record photographs which thus show existence of the building on the disputed land. However, the same is without any boundary wall. Mr. Jindal submits that the respondent will not object to raise a boundary wall subject to the condition that it does not cover the area more than 10 feet on either side of the building already in existence



which can be extended upto the permissible limits on the side of the road and also would not object to construction of toilets, but the petitioners should undertake that the same shall not vest any right in them and they shall furnish an undertaking that they will remove the same, in case so required after the final decision of the civil suit. The aforesaid offer is acceptable to the counsel for the petitioners.

3. In view of the aforesaid stand taken by counsel for the parties, the present revision petition is disposed off. Petitioners shall file undertaking before the Trial Court within a period of one week to the following effect:-

- “a) That they shall not extend the existing building apart from raising toilets.
- b) The boundary wall shall not be beyond 10 feet on the eastern as well as western side of the existing building.
- c) That the construction raised by the petitioners pursuant to this order shall not vest any right in them and they shall remove the same in case so required after the civil suit adjudicated by the Trial Court.”

4. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

07.08.2024

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No