



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CR-3686-2023 (O&M)
Date of Decision : 23.05.2024

UMESH DEVI ... Petitioner

VERSUS

SABNAM AND ANR ... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Robin Dutt, Advocate for the petitioner.
Mr. Alok Mittal, Advocate for respondent No.1.
Respondent No.2 proceeded against *ex parte*
vide order dated 24.11.2023.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 30.05.2023 passed by the learned Additional District Judge, Bhiwani reversing the order dated 16.05.2023 passed by the learned Civil Judge (Junior Division), Bhiwani.
2. The brief facts relevant to the present *lis* are that the plaintiff-petitioner herein filed a suit for permanent injunction for restraining defendant-respondent No.1 from diminishing the value of the land and from taking forcible possession and also for restraining her from raising any construction on the land as described in the plaint. Along with the suit an application under Order 39 Rules 1 and 2 CPC read with Section 151 CPC was also filed. Written statement as well as reply to the application under Order 39 Rules 1 and 2 CPC read with Section 151 CPC was filed. The Trial



Court vide order dated 16.05.2023 granted the interim injunction as prayed for restraining the defendant-respondent No.1 from raising any construction over the suit property till the final disposal of the case. Aggrieved by the same an appeal was preferred which was allowed vide the impugned order dated 30.05.2023 passed by the learned First Appellate Court. Hence, the present revision petition.

3. Learned counsel for the parties are *ad idem* that they would both be satisfied if an order is passed to the effect that whatever construction is raised, the same shall be subject to the outcome of the present suit and the partition proceedings.

4. Heard.

5. In view of the statement made by the learned counsel for the parties, the present petition is disposed of with the observation that any construction raised by defendant-respondent No.1 shall be at her own risk and responsibility and the same shall be subject to the outcome of the present suit and the partition proceedings. Pending applications, if any, also stand disposed off.

23.05.2024
Aman Jain

(ALKA SARIN)
JUDGE

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