

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

**CR No.3936 of 2023 (O&M)
Date of Decision: 19.01.2024**

Ramotar @ Naniya (deceased) through his LR's and others

.....Revisionists-Petitioners.

Versus

Madan Pal Saini

.....Respondent.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. S.K. Chauhan, Advocate
 for the revisionists-petitioners.

Mr. Sudhanshu Makkar, Advocate
 for the respondent.

MEENAKSHI I. MEHTA, J. (Oral)

Feeling aggrieved by the judgment (Annexure P-4) as handed down by learned Additional District Judge, Bhiwani (for short 'the Appellate Court') on 13.06.2023 in ***CMA No.59 of 2023*** titled as '***Madan Pal Saini versus Ramotar @ Naniya and others***', whereby the order (Annexure P-2) passed by learned Additional Civil Judge (Senior Division), Bhiwani (for short, 'the trial Court') on 29.05.2023 in ***Civil Suit No.1057 of 2022*** qua the dismissal of the application, moved by the respondent-plaintiff (here-in-after to be referred as 'the plaintiff') for seeking ad-interim injunction, has been set-aside and the LR's of petitioner-defendant No.1 and petitioners-defendants No. 2 to 7 (here-in-after to be referred as 'the defendants') have been restrained from interfering in the user of the passage in dispute by the plaintiff

to have access to his land comprised in Killa No.92//19, they (defendants) have preferred the instant revision-petition to lay challenge to the same.

2. The plaintiff filed the afore-said Civil Suit for seeking a decree for permanent injunction to restrain the defendants from interfering in the user of the said passage by him, while averring that he had been using it since the year 1993 and had no other passage to approach his above-mentioned land.

3. At this stage, learned counsel for the petitioners-defendants submits that the defendants have no objection in complying with the terms mentioned in statement Annexure R-7, as made by petitioner-defendant No.3-Jagan Nath before the police on 16.09.2022, till the decision of the afore-said Civil Suit and in deciding the present revision-petition on the basis thereof.

4. Learned counsel for the respondent-plaintiff also submits that he does not have any objection in deciding this revision petition as per the above-discussed submission, made by learned counsel for the petitioners-defendants.

5. Resultantly, without commenting or expressing any opinion on the merits of the afore-mentioned Civil Suit, the revision-petition in hand is, hereby, disposed of in terms of the above-referred statement Annexure R-7, while clarifying that this statement shall remain effective only till the decision of the afore-said Civil Suit and shall have no bearing on the merits of the Suit and also on the rights of the parties, which shall be adjudicated by the trial Court, at the appropriate stage, in accordance with law.

January 19, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>