



CR-5381-2024

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

(115)

CR-5381-2024

Date of Decision: - 24.09.2024

Sanjay and others

....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ashish Aggarwal, Senior Advocate, with
Mr. Jangjit Singh Dahiya, Advocate,
Mr. Saket Bhandari, Advocate, and
Mr. Anmol Ratan Dhillon, Advocate
for the petitioners.

Mr. Jagdish Manchanda, Addl. A.G., Haryana.

Mr. Sunil Kumar Pandey, Advocate
for respondent No.4.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India read with Section 151 CPC praying for quashing of impugned order dated 05.04.2024 (Annexure P-1) passed by the Civil Judge (Junior Division), Rohtak and impugned judgment dated 09.07.2024 passed by the Additional District Judge, Rohtak (Annexure P-2), vide which an application under Order 39 Rules 1 and 2 has been dismissed.

2. Learned senior counsel for the petitioners has submitted that



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in view of the affidavit dated 21.09.2024, filed by the Collector, Rohtak on behalf of the respondents, in which it has been averred that the Public Health Engineering Department has carried out 90% of the construction work of the water works till 21.09.2024, the petitioners do not wish to press the revision petition and seek liberty of the Court to raise all pleas which are available to them during the course of trial/final arguments. It is further prayed that the construction raised over the suit land be made subject to the decision of the main suit. It is also prayed that since the entire case is based primarily on documents, thus, a request be made to the trial Court to decide the case as expeditiously as possible.

3. Learned counsel appearing for the respondents have submitted that since the orders passed by the authorities have not been set aside, thus, the respondents have no objection to the said course of action suggested by learned senior counsel for the petitioners.

4. Keeping in view the above-said facts and circumstances, the present revision petition is disposed of as not pressed with the observation that the construction made over the suit land by the authorities would be subject to the final decision of the suit. It would be open to the petitioners as well as the respondents to raise all pleas which are available to them during the course of trial/final arguments and the trial Court would consider the same independently, in accordance with law.

5. Since in the present case, primarily, evidence would be documentary evidence and considering the totality of the circumstances, it

would be in the interest of both the parties in case the matter is decided as expeditiously as possible and thus, the trial Court is requested to decide the same as expeditiously as possible. Learned senior counsel for the petitioners as well as learned counsel for the respondents have stated that counsel appearing for their respective parties before the trial Court would fully assist the Court in expeditious disposal of the case.

September 24, 2024

naresh.k

(VIKAS BAHL)

JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No