



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

CR-4359-2023 (O&M)

Date of Decision : 07.04.2025

Madhu Bala

... Petitioner(s)

Versus

Urmila & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vikram Rathour, Advocate for the petitioner.

Mr. A.K. Goel, Advocate for the respondents.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the orders dated 04.03.2022 and 26.05.2022 (Annexures P-5 and P-6) passed on an application under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908.

2. The plaintiff-respondents filed a suit for permanent (prohibitory) injunction for restraining the defendant-petitioner from causing any interference in the peaceful possession of the plaintiff-respondents and further restraining her from raising any construction beyond her respective recorded share in the revenue record. An application was filed under Order 39 Rules 1 and 2 of CPC for restraining the defendant-petitioner from interfering in the peaceful possession of the plaintiff-respondents and further restraining her from raising any construction beyond her respective recorded share. The Trial Court vide order dated 26.05.2022 passed an order restraining the defendant-petitioner from raising any construction over the suit property or public *rasta*. Aggrieved by the same, an appeal was

preferred by the defendant-petitioner which appeal was dismissed vide order dated 22.09.2022. Hence, the present revision petition.

3. In the present revision petition, on 07.08.2023, the following order was passed :

“Learned counsel for the petitioner inter alia contends that it is the categoric finding of both the Courts below that no encroachment over the property of the respondents-plaintiffs was made by the petitioner-defendant and the petitioner-defendant was found to have encroached only 28 sq. yards of land of a public passage. Learned counsel submits that once the petitioner-defendant had not encroached upon the land of the respondents-plaintiffs, no injunction could have been granted in their favour ad against the petitioner-defendant. Learned counsel submits that the petitioner-defendant is willing to remove the construction vide which 28 sq. yards of public passage has been encroached upon within a period of one week from today. Notice of motion for 17.08.2023.

In the meantime, the petitioner; in accordance with the statement given in the Court today, shall remove the construction vide which encroachment has been made over the public passage On or before the next date of hearing and shall submit an affidavit before this Court.”

4. Learned counsel for the petitioner would contend that the order dated 07.08.2023 has been complied with and the construction on the public *rasta* has since been removed.

5. Learned counsel for the plaintiff-respondents states that he has instructions that the encroachment has since been removed.

6. In view of the above, nothing survives in the present revision petition. Accordingly, the present revision petition is disposed off as having been rendered infructuous. Pending applications, if any, also stand disposed off.

07.04.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO