



CR-6993-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(119)

CR-6993-2024 (O&M)
Date of decision:- 03.02.2025

Balwinder Singh

... Petitioner

Versus

Chotar Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.K.Jain, Advocate for the petitioner.

SUVIR SEHGAL, J. (ORAL)

1. By way of instant revision petition filed under Article 227 of the Constitution of India, petitioner has approached this Court for setting aside impugned orders dated 12.11.2024 and 19.11.2024, Annexures P-2 and P-3, respectively, passed by the learned Additional District Judge, S.A.S. Nagar, Mohali.
2. Counsel for the petitioner submits that the petitioner has filed a civil suit for permanent injunction restraining the respondents and his representatives from raising any construction over the suit land or carving out any plots, flats etc. He submits that alongwith the suit, he had filed an application under Order 39 Rules 1 & 2, CPC, which has been rejected by the Trial Court vide order dated 31.05.2024, Annexure P-1. An appeal has been filed before the learned Additional District Judge, which is pending. While making a reference to interim order dated 24.06.2024, Annexure P-2, counsel asserts that the appellate Court restrained the respondents from carving out any plots, flats, illegal colony on the suit land, but this order has been vacated vide impugned order dated 19.11.2024, Annexure P-3, as the petitioner did not file the

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“calculation sheet” by way of an affidavit. It is his argument that the entire record of the Trial Court had been called for and the calculation sheet as well as the details of the land in the possession of the petitioner is available before the Appellate Court, but the Court is unnecessarily insisting on the filing of the calculation sheet.

3. Mr. Dhiraj Chawla, who is on caveat, has put in appearance on behalf of respondents No.1 and 2 and states that the impugned order has been passed on account of the default of the petitioner.

4. Be that as it may, without commenting upon the merits, as the learned Additional District Judge is of the view that the calculation sheet has not been filed, an opportunity deserves to be granted to the petitioner to file the calculation sheet by way of an affidavit within a fortnight from today. In case, the calculation sheet/affidavit is filed within the aforesaid period, impugned order dated 19.11.2024 shall be set aside. Learned Additional District Judge shall make an endeavour and decide the appeal within a period of six weeks thereafter.

5. In case, the petitioner fails to furnish the calculation sheet/affidavit within the aforesaid period, the revision petition shall stand dismissed.

6. Petition is disposed off.

7. As the main petition has been decided, pending application shall also stand disposed off.

03.02.2025

*Kamal***(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No