

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.4925 of 2009

Date of Decision: 31.8.2009

Pakhar Singh and others

.....Petitioners

Versus

Balwant Singh

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Shri K.R. Dhawan, Advocate, for the petitioners.

HEMANT GUPTA, J. (Oral).

The plaintiffs are in revision aggrieved against the orders passed by the Courts below whereby an application seeking ad-interim injunction restraining defendants from encroaching upon the street shown at point 'ABCD' in front of their house was dismissed.

The case of the petitioners as set up before the learned trial Court was that the said portion is a part of a public street, which cannot be encroached upon by the defendant. Both the Courts have dismissed the application after returning a finding that the portion 'ABCD' cannot be said to be encroached upon by the defendants.

A perusal of the site plan Annexure P.1, produced by the petitioners before this Court in the present revision petition shows that portion 'ABCD' is in alignment with the house of Pratap Singh and the

other houses of Balwant Singh and Jaswant Singh. Though house of Kashmir Singh on the southern side is out of alignment where the width of the road is shown to be 19 feet 3 inches, but the said fact is not sufficient to return a finding that the defendant has encroached upon a public street. It would be a question of evidence before the learned trial Court whether the width of the road is 19 feet 3 inches or 11 feet 6 inches. But at this stage, it cannot be conclusively held that the defendant has encroached upon the street in question.

Consequently, I do not find any patent illegality or material irregularity in the impugned orders passed by the Courts below, which may warrant interference by this court in exercise of its revisional jurisdiction.

Hence, the present revision petition is dismissed.

[HEMANT GUPTA]
JUDGE

31.8.2009
ds