

**IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JAIPUR BENCH, JAIPUR**

ORDER

S.B.CIVIL MISC. APPEAL NO.394/2009.

Narendra Kumar @ Santosh Kumar Sharma.

VERSUS

Ashok Kumar Sharma and Others..

30.01.2009.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.L.K.Sharma, for the appellants.

Heard learned counsel for the appellants and perused the impugned order dated 03.10.2008. As per the impugned order, the only restriction which has been imposed is that beyond the third floor no further construction will be raised by the appellants. It has also been provided that the appellants will furnish an undertaking before the court that on account of the construction having been raised, they would not claim any compensations in the event of the suit being decreed against them.

It has further been permitted by the learned trial court while passing the impugned order on the application for the grant of temporary injunction that the appellant is free to do the finishing work on the third floor.

In the facts and circumstances, I find that the order passed by the learned trial court is just and proper and reasonable. I find no good ground to interfere with the impugned order.

Consequently, the appeal, the stay application and the application under Section 5 of the Limitation Act stand dismissed.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.