



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

(125)

CR No. 1001 of 2025 (O&M).

Date of Decision: 17.02.2025

Manohar Lal Nagpal**...Petitioner****Vs****Veena Rani and another****...Respondents****CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Subhash Ahuja, Advocate
for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

1. The present revision petition is directed against the order dated 10.01.2025 passed by the Court of learned Civil Judge (Jr. Division) Hisar, vide which the application filed by the petitioner seeking a direction to respondent-defendant No.1 to allow the petitioner-plaintiff and the building expert to take measurement of the plot of respondent No.1/defendant was dismissed.

2. The facts, as emanating from the revision petition, are that a suit for permanent injunction (prohibitory and mandatory) was filed by the petitioner-plaintiff (Manohar Lal Nagpal) seeking a restraint upon respondent/defendant No.1 (Veena Rani) from raising any construction and from damaging the common wall on which the house of the petitioner-plaintiff is built. Injunction restraining the Municipal Corporation, Hisar, not to sanction the building plan was also sought. During the pendency of the suit, an application (Annexure P-3) was moved by the petitioner seeking the aforementioned direction. The application was opposed by way of a reply (Annexure P-4). However, by way of the impugned order, the said application was dismissed leading to filing of the present revision petition.

3. I have heard learned counsel for the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is an old person and is factually willing to settle the matter with the respondents. He only apprehends that on account of the construction raised by respondent-defendant No. 1, damage may be caused to his house. He submits that the trial Court erred in dismissing the application and no prejudice would have been caused to respondent No.1 if the petitioner and his expert were permitted to take measurement of the property of respondent No. 1.

5. I have considered the submissions made by learned counsel for the petitioner but found the same to be devoid of merit.

6. It is the plaintiff who filed the suit for permanent injunction and it would be upon him to prove his case by leading cogent evidence. No occasion would arise to permit the petitioner and his expert to enter into the property of defendant No.1 to take its measurement. The trial Court rightly observed that the petitioner-plaintiff could get his own plot measured and lead evidence accordingly. The onus to prove his contentions would be on the petitioner and the same cannot be shifted upon the respondents by invoking the process of the Court. I do not find any illegality or jurisdictional error in the impugned order warranting interference in revisional jurisdiction.

In view of the above, the present revision petition is dismissed.

(VIKRAM AGGARWAL)
JUDGE

February 17, 2025

Rekha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No