

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

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2025:PHHC:015211



CR-663-2025

Date of decision: 03.02.2025

PARKASH SAINI AND ANOTHER

..Petitioners

Versus

KULDEEP KUMAR SAINI AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Nand Lal Sammi, Advocate
for the petitioners.

ANIL KSHETARPAL, J(Oral)

1. The present revision petition has been filed by the plaintiffs to challenge the correctness of First Appellate Court's order permitting the defendants to continue with renovation work of flooring, toilets and cupboards.
2. In order to comprehend the issues involved in the present case, the relevant facts, in brief, are required to be noticed.
3. Plaintiff No.1 and defendant No.2 are owner to the extent of equal share in the suit property. The plaintiffs are in possession of first and second floor, whereas, defendants are in possession of ground floor. The defendants are residing in House No.4064, Sector 46, Chandigarh. The plaintiffs filed suit for grant of decree of permanent injunction restraining the defendants from removing any other wall including the wall depicted by words 'E' and 'F' in the site plan. The trial Court ordered status quo, which has been modified by the First Appellate Court.
4. Learned counsel representing the defendants has made the following statement, before the First Appellate Court:-



“Stated that the appellant has not removed any load bearing wall of the house. The wall from mark K to Mark L shown in the site plan of the plaintiff was never removed by the appellant, however, a supporting wall of the cupboard shown as from Mark M to Mark N was removed as the same was infested with termites and the appellant was reconstructing the same having width of 9 inch. The wall mentioned at Mark C and mark D is not a load bearing wall which was removed by the appellant. Infact it was a wall between toilet and bathroom before it was removed. The appellant will not remove any other wall from the house and he is undertaking renovation work of flooring, toilets and cupboards only.”

5. Thus, the First Appellate Court has only permitted the defendants to complete the renovation work of flooring, toilets and cupboards.

6. The aforesaid permission granted by the First Appellate Court does not in any way interfere in the enjoyment of the property in possession of the petitioners.

7. Hence, no ground to interfere is made out.

8. Dismissed accordingly.

February 03rd, 2025

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*