

COCP No. 1574 of 2015 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP No. 1574 of 2015 (O&M)

Date of Decision: October 22, 2016

Naresh Kumar & others

...Petitioners

Versus

Ajit Balaji Joshi & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Lajpat Sharma, Advocate
for the petitioners.

Mr. Jagdish Manchanda, Advocate
for the respondents.

AUGUSTINE GEORGE MASIH, J. (Oral):

CM No.13481-CII of 2015

Exemption is granted from filing certified copy of letter dated 17.04.2015 Annexure P-7 and the same is taken on record, subject to all just exceptions.

Application stands disposed of.

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Having heard the counsel for the parties and in the light of the fact that there is a decree passed by the Civil Judge (Junior Division), Jind, dated 07.01.2016 in favour of the legal representatives of Smt. Veena Devi as of now it cannot be said that the house of Smt. Veena Devi encroaches upon the public land. It has further been stated that in the written statement

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filed by respondent No.2 that an appeal has been preferred against the order of the Civil Judge (Junior Division), Jind, which is pending before the Additional District Judge, Jind, for 29.11.2016. Counsel for the respondents further states that in case the suit as preferred by the legal representatives of Smt. Veena Devi is dismissed, appropriate action including demolition will be resorted to by them.

In view of the above statement made by the counsel for the respondents, the present contempt petition is disposed of as infructuous as of now. In case the action is not taken by the respondent-Municipal Council, Jind, on acceptance of appeal, liberty is granted to the petitioner to revive the present contempt petition.

Rule issued to the respondents stands discharged subject to above.

October 22, 2016

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No