



CR-14-2021 (O&M)

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

Sr. No.149

**CR-14-2021 (O&M)
Date of Decision: 04.08.2025**

SAT PAL

...Petitioner

Versus

DHARAM PAL AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. H.S. Saggu, Advocate
for the petitioner.

Respondent No.3-in-person, along with
Mr. Akshay Jindal, Advocate
for the respondents.

ARCHANA PURI, J. (Oral)**CM-15477-CII-2024**

The present application had been filed at the behest of the petitioner, for preponement of the date of hearing of the main case, when the case was fixed for 16.01.2025.

Since the date fixed has already passed by, the present application is hereby dismissed, as having become infructuous.

CM-7240-CII-2023

The present application has been filed for placing on record the photographs as Annexures P-9.

In view of the averments made in the application, same is allowed and the requisite photographs are taken on record.



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Main case

Challenge in the present revision petition is to the order dated 01.10.2020, passed by learned Additional District Judge, whereby an order passed by learned trial Court, on the application under Order 39 Rule 1 and 2 CPC, was modified.

As culled out from the paperbook, the essential facts to be noticed, are as follows:-

That the petitioner had filed a suit for permanent injunction, against his nephews, Dharam Pal and others, thereby seeking restraint from creating any hindrance or making any obstruction by the defendants, while parking the vehicle in the common courtyard. Along with the same, an application under Order 39 Rule 1 and 2 CPC, was also filed, seeking the same relief of the use of common courtyard. At first instance, the said application was allowed by learned trial Court and the respondents/defendants were restrained from blocking the common passage and further clarification was also made by learned trial Court, thereby giving a direction to use common passage and common courtyard in such a way, so as not to cause any disturbance to the other person, for exercise of right to use the common passage and common courtyard. Being aggrieved, the respondents/defendants have filed the appeal and in the same, some modification was made in the order passed by learned trial Court, vide order dated 01.10.2020, with regard to use of the common passage and common courtyard. However, feeling aggrieved of the said order, the petitioner/plaintiff, had filed the revision petition in hand.



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During the course of arguments, what the Court could gather is that there is only dispute between the parties, with regard to use of common passage. The site plan of the portions in possession of both the petitioner, as well as the respondents, is Annexure P-7, which reveals about the petitioner/plaintiff, as well as the respondents/defendants, having access to the common courtyard and the common passage. Since it is a common passage, both the petitioner, as well as the respondents, have a right to access the same. However, some photographs have also been annexed with the revision petition, thereby showing the parking of the car, which allegedly is of the petitioner and behind the car, there are two motorcycles parked, allegedly of the respondents. Very true, in case of parking of the motorcycles behind the car, it will be inconvenient for the person concerned, whose car is parked in front, to take out his car, from the common courtyard. Keeping in view the modification made by learned Appellate Court, in the order passed by learned trial Court, more particularly, considering the photographs coming forth, both the counsel, as well as respondent No.3, who is present in Court in person, have given an undertaking not to obstruct the parking of the vehicles, in any manner, by any of the parties to the lis, or to obstruct their access to their respective houses, through this common courtyard and common passage, during the pendency of the civil suit, before learned trial Court.

In view of the aforesaid fact situation, both the parties are directed not to obstruct the parking of the vehicles, in any manner, by any of the parties to the lis, or to obstruct their access to the respective houses, through this common courtyard and common passage, during the pendency



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of the civil suit, before learned trial Court.

In view of the undertaking given aforesaid by both the counsel, the counsel for the petitioner submits that he does not want to pursue with the present revision petition and the same be dismissed as withdrawn.

Ordered accordingly.

On query, it is submitted by the counsel for the parties that the suit is pending before learned trial Court, since the year 2020. On further query by this Court, it is submitted by the counsel for the petitioner that only one witness remains to be examined by the petitioner/plaintiff and he gives an undertaking to examine the said witness on the next date of hearing i.e. 11.08.2025.

Also, on query by the Court, it is submitted by the counsel for the respondents that he may be given three opportunities only, to lead evidence.

Considering the submissions aforesaid and also taking into consideration the kind of litigation, pending between the parties, more particularly, considering the age of the litigation, the petitioner is hereby directed to close his evidence on the next date of hearing i.e. 11.08.2025 and examine the witness, if he desires, on the next date itself. If for any constrained reason, the Court is not held on that date, the Presiding Officer shall adjourn the case, not beyond three days and on the subsequent date, shall record the witness, if any and close the evidence on behalf of the petitioner.

Upon closing of the evidence of the petitioner/plaintiff, the respondents/defendants shall lead their evidence and learned trial Court shall



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given only three opportunities to them, to lead evidence, each may be at a gap of only 15 days. If any witness is to be summoned, the list of such witnesses be provided by the respondents/defendants to the Court concerned, on the date, when the evidence of the petitioner is closed by learned trial Court and shall also request for *dasti* summons, for summoning of the witness.

In view of the aforesaid terms, the revision petition stands disposed of.

04.08.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No