

HRRE010040642021



Presented on : 12-07-2021
Registered on : 12-07-2021
Decided on : 08-05-2025
Duration : 3 years, 9 months, 27 days

**IN THE COURT OF
Additional District Judge, Rewari
Presided Over by Dr. Sunita Grover
CMA/48/2021**

Nagar Parishad Rewari, through Executive Officer, Nagar Parishad
Rewari, Tehsil and District Rewari

.....Appellant-Defendant

VERSUS

Surajbhan son of Sh. Nand Lal, Resident of village Nayagaon, Daulatpur
Ward No.4, Rewari, Tehsil and District Rewari

..... Respondent-Plaintiff

Misc. Civil Appeal against the Order dated 09.06.2021
passed by Sh. Jitender Singh, Additional Civil Judge (Senior
Division), Rewari.

ARGUED BY:-

Shri Ram Kishan, Advocate for Appellant
Shri K.B. Bhatotia, Advocate for Respondent

ORDER

This appeal has been filed by defendant assailing the order dated 09.06.2021 passed by learned Additional Civil Judge (Senior Division), Rewari vide which defendants have been restrained from demolishing the construction, change the nature and peaceful possession over the suit property to any person till the final decision of the case.

2. I have heard learned counsel for both the parties and perused the record. Learned counsel for the appellant has submitted that respondent-plaintiff has encroached upon the road without permission of Nagar Parishad as it was found during demarcation that road is existing at site and it vests in Municipal Council and Municipal Council has right to remove the encroachment.

3. As far as the plea raised by the appellant is concerned, the same can be raised before learned trial court during the course of arguments on injunction application. The record of learned trial court shows that when the impugned order dated 09.06.2021 was passed, the written statement and reply to injunction application was not filed on behalf of appellant and the order was passed only after appearance of appellant and even after filing of written statement and reply, the injunction application has not been disposed of on merit and it is required to be disposed of on merit. Therefore, in view of the aforesaid, in the facts and circumstances of the case, the parties with their counsels are directed to appear before learned trial court for addressing arguments on injunction application on the next date of hearing i.e. 15.07.2025 or any other date suitable to the learned trial court. Till then defendants are restrained from demolishing the construction or to change the nature and possession over the suit property. **Civil Miscellaneous Appeal is accordingly disposed of with the aforesaid directions.**

Record of learned trial court be returned alongwith the copy of the Order so as to reach there on or before the date fixed. Appeal file be consigned.

Announced in open Court
08.05.2025

(Dr. Sunita Grover)
Addl. District Judge,
Rewari.

Note: Three pages of this order have been signed.

(Dr. Sunita Grover)
Addl. District Judge,
Rewari. 08.05.2025

Neeru
stenographer-1
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