

CNR No: HRKR020038272022

CIS No: CS-3017-2022

Ram Diya Goel Vs. Sham Sunder & others

Present: Sh. V.K Sharma Advocate for the plaintiff.
Sh. Swinder Singh Bhalla Advocate for the defendant no.1.
Sh. Bhanu Pratap Singh Advocate for defendant no.3.

Notice to defendant no.2 could not be issued for want of correct address. Now fresh notice be issued to defendant no.2 on filing correct address, copy of plaint, process fees etc.

Written-statement and reply to injunction application not filed by defendant no. 1 and 2. Counsel for the plaintiff argued that defendant no.1 is going to raise construction over his house in contravention of the site plan sanction by defendant no.3 and thereby creating obstruction in the free flow of air light etc. to the house of the plaintiff and as such defendant no.1 be restrained from doing so.

Per contra, counsel for the defendant no.1 argued that construction is being raised as per the sanctioned site plan passed by the defendant no.3 and no encroachment is being done at the spot. It is further argued that plaintiff has not come to the court with clean hands as plaintiff has raised construction on his entire property and no area on the front and rear portion of the house was left open for air, water etc. When he is wrong doer directed relief of injunction cannot be granted in his favour. Per contra, counsel for the defendant no.3 argued that site plan of the house of the defendant no.1 has been approved by the defendant no.3 and if construction is raised by the defendant no.3 in contravention of the approved site plan any necessary action shall be taken against him.

Submission heard and record perused. Keeping in view the

submissions raised by counsel for the parties defendant no.1 is directed not to raise construction in contravention of the approved site plan. Now to come up on **16.11.2022** for filing written-statement and reply to injunction application by defendant no.1 and 2 as well as notice to defendant no.2.

Date of Order: 17-10-2022

Virender, Stenographer Gr. III

(Ravi)
CJ(JD), Karnal
UID NO. HR-0409