

Leshari Devi Vs Soma Devi & Ors.

RSA No. 39 of 2024

28.03.2025 **Present:** Ms. Vedant Ranta, Advocate, for the appellants.

Mr. Narender Guleria, Advocate, for the respondents.

CMP No. 3114 of 2024

Heard counsel for the parties. Perused the impugned judgment. Parties to the lis are co-owners in so far as the suit land is concerned. Barring respondent No.1, all the other co-owners have raised construction over the suit land. Respondent No.1 resides in a house which is located away from the suit land. The suit in the case at hand was filed by the applicant when respondent No.1 started raising construction.

After having herself raised construction on the suit land it does not lie in the mouth of the applicant to restrain respondent No.1 from raising construction. Mere raising of construction by respondent No.1, it does not amount to any prejudice.

In view of the aforesaid, the present application is disposed of being devoid of any merit.

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List for consideration after six weeks.

(Bipin C. Negi)
Judge

March 28, 2025 (g.m)