

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

C.R. No. 6281 of 2015 (O&M)

Date of decision:- 23.09.2015

Abbal

...Petitioner

Versus

Ali Hasan and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Vikram Singh, Advocate
for the petitioner.

RITU BAHRI J.(Oral)

Plaintiff/Petitioner (for short 'petitioner') has filed the instant revision petition under Article 227 of the Constitution of India assailing order dated 02.09.2015 (Annexure P-6) passed by learned Civil Judge (Jr. Divn.), Panipat.

Learned counsel for the petitioner submits that the petitioner/plaintiff filed a suit for mandatory injunction directing the respondents No. 1 and 2 to remove the illegal encroachment. Respondent No. 3 in his written statement admitted that property vest in Gram Panchayat (P-3), therefore, the petitioner filed an application for summoning the Secretary Gram Panchayat as witness with record of construction of the Gali in the year 1990 (P-4), to which respondent Nos. 1 and 2 filed reply but the same was wrongly dismissed by the Court below, as to prove the record of the street with dimensions etc the summoning of Gram Secretary along with record was required.

I have heard learned counsel for the petitioner and perused the case file.

For a fair decision of the suit, order dated 02.09.2015 (Annexure P-6) is hereby set aside and the instant revision petition is ***allowed*** and the trial Court is directed to summon the Secretary Gram Panchayat as witness along with record, subject to payment of Rs.2000/- as cost to be deposited before the District State Legal Services Authority, Panipat.

September 23, 2015
G Arora

(***RITU BAHRI***)
JUDGE