

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

Civil Revision No.6657 of 2012

Date of decision: 14.05.2015

Gram Panchayat Neoli Kalan, Tehsil and District Hisar.

.... Petitioner

versus

Umed Singh and others

.... Respondents

II. Civil Revision No.6664 of 2012

Gram Panchayat Neoli Kalan, Tehsil and District Hisar.

.... Petitioner

versus

Om Parkash and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Surender Singh Dalal, Advocate,
for the petitioner.

Mr. O.P. Goyal, Senior Advocate,
with Mr. R.S. Kang, Advocate,
for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. Both the revisions are against the orders dismissing appeals filed along with the applications under Section 5 of the Limitation Act. The appeals before the lower appellate court were against the decree passed on 14.06.2011. The decree holder is

reported to have filed an application for execution on 16.07.2011 and the judgment debtor was served for appearance in execution on 18.09.2011 but he did not choose to appear. The decree holder pressed for symbolic possession and the same was recorded on 28.10.2011. The appeals have been filed only on 02.02.2012, that is, beyond a period of 30 days, even after making provision for exclusion of time taken for securing the certified copies. The contention was that the lawyer had not informed about the decision of the cases and the papers could not be made ready for preferring the appeal.

2. The learned senior counsel appearing on behalf of the respondents points out that he cannot plead want of knowledge or any laches on the part of the counsel, since the petitioner had been actually served and chose not to appear for hearing on 18.09.2011 and it was only after his non-appearance that symbolic delivery had been ordered. I find that the reasons given by the petitioner were surely not correct and if the court below had dismissed it under normal circumstances, I would not have interfered it. The counsel for the petitioner points out that the property is claimed by the panchayat as shamilat deh and common rights of villagers are involved. Since the dispute is with reference to immovable property and the public rights are sought to be canvassed by gram panchayat, I will not allow for the laches and negligence on the part of the

officer to prevail to deny a right of consideration on merits for a public body. For the negligence of the public official, I impose a cost of ₹ 10,000/- each to be paid by the gram panchayat to the plaintiff and it shall be only for the panchayat to take appropriate action for recoveries against the particular officer who was responsible for the delay. The cost of ₹10,000/- shall be paid in each case within a period of 4 weeks from today, failing which, the order passed already shall stand confirmed.

3. The impugned orders are set aside subject to above conditions and the civil revisions are disposed of in the light of observations made above.

(K.KANNAN)
JUDGE

14.05.2015
sanjeev