

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

(1)

RSA No.3152 of 2011 (O&M)
Date of decision : 19.01.2015

Ram Chander

...Appellant

Versus

Devi Ram and others

...Respondents

(2)

RSA No.539 of 2014 (O&M)
Date of decision : 19.01.2015

Ram Chander

...Appellant

Versus

Parma Nand and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. M.S. Khaira, Senior Advocate with
Mr. R.S. Khaira, Advocate for the appellant.

Mr. Manoj Sharma, Advocate for
Mr. Amit Khatkar, Advocate for respondent No.1
(In RSA No.3152 of 2011)
for respondent Nos.1 and 2 (In RSA No.539 of 2014)

Mr. Abhinash Jain, AAG, Haryana.

AMIT RAWAL, J. (Oral)

These are Regular Second Appeals filed by Ram Chander who is defendant No.2 in Civil Suit No.165-C of 2007 against Devi Ram and defendant No.1 in Civil Suit No.19-C of 2008 against Chhotu Ram-plaintiff, respectively.

Devi Ram in RSA No.3152 of 2011 & Chhotu Ram in RSA No.539 of 2014 filed a suit for declaration, whereby the order of the Consolidation Officer was challenged. The order was passed on an application filed by Ram Chander-appellant to provide him Rasta and the Consolidation Officer sent a notice to the plaintiff but the same could not be served. Therefore, he, accordingly was proceeded ex parte.

As per the ex parte order, Ram Chander-defendant No.2 in both the suits and appellant in both the RSAs had been provided Rasta. The suit filed by the plaintiff had been decreed on the ground that principle of natural justice had not been followed. The appeal filed against the suit had also been dismissed and, therefore, defendant No.2-Ram Chander is in this Court through aforementioned Regular Second Appeals.

Mr. M.S. Khaira, Senior Advocate assisted by Mr. R.S. Khaira, Advocate for the appellant submits that the judgments and decrees, though are in accordance with law and rightly so as the Consolidation Officer did not comply with the principle of natural justice. While setting aside the order passed by the Consolidation

Officer, the matter should have been remanded back to the Consolidation Officer to decide such application of the appellant to provide Rasta, afresh, after complying with the principles of natural justice.

Mr. Manoj Sharma, Advocate for Mr. Amit Khatkar, Advocate for respondent No.1 do not dispute this suggestion/submission of learned counsel for the appellant.

Judgment and decree passed by both the Courts below with regard to the order passed by the Consolidation Officer for complying the principles of natural justice, accordingly is modified to the extent that the Consolidation Officer shall decide the matter afresh by providing the rasta after complying with the principles of natural justice.

With the aforementioned observations, both the appeals are disposed of.

19.01.2015

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**(AMIT RAWAL)
JUDGE**