

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

C.M. NOS.12707-708 C OF 2012 &

R.S.A. NO.4559 OF 2012

DATE OF DECISION: DECEMBER 01, 2015

Gram Panchayat, Dayalpur, District Kurukshetra

.....Appellant

VERSUS

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**Present: Mr. Vivek Aggarwal, Advocate,
for the appellant.**

AUGUSTINE GEORGE MASI, J. (ORAL)

C.M. No.12707 C of 2012

C.M. is allowed.

**Exemption is granted from filing certified copies of the
judgments and decree passed by the Courts below.**

C.M. No.12708 C of 2012 & R.S.A. No.4559 of 2012

**Prayer in C.M. No.12708 C of 2012 is for condonation of delay
of 1590 days in filing the appeal.**

**The reasons assigned for the delay is that the Gram Panchayat,
Dayalpur, at the time when the judgement and decree were passed by the
trial Court and even at the stage when the appeal was decided by the lower
Appellate Court on 04.12.2007, had decided not to file an appeal. However,**

on a communication received from the office of the Advocate General, Haryana, dated 29.06.2012 addressed to the Block Development and Panchayat Officer, Kurukshetra, the present appeal has been filed. The ground on the basis of which delay is sought to be condoned cannot be accepted as there is no explanation whatsoever for condoning such a huge delay in filing the appeal. The appeal, therefore, deserves to be dismissed as time barred.

However, on the insistence of counsel for the appellant, the matter has been heard on merits as well.

It is the contention of learned counsel for the appellant that the Courts below have not appreciated the evidence in its right perspective. He contends that possession of the land in dispute was wrongly sought to be protected by the respondent-plaintiffs by filing suit for permanent injunction, which was allowed. The said land is in illegal possession of respondent-plaintiffs and this fact was not appreciated by both the Courts below and, thus, the judgements and decree passed cannot sustain and deserve to be set-aside.

I have considered the submission of counsel for the appellant and with his assistance have gone through the judgements passed by the Courts below.

A perusal of the judgements would show that Gram Panchayat, which was admittedly the owner of the property, as per the policy of the Government of Haryana, which was notified on 19.01.1976, plots of 3 marlas were to be allotted to the villagers, who were below poverty line. The plaintiffs were allotted the said plots and a gift deed dated 14.09.1987 was registered in their favour in the office of Sub Registrar, Thanesar. As

per the said gift deed, the respondent-plaintiffs became the owners of the property and are in possession thereof. Therefore, it cannot be said that they are in illegal possession of the said plots. The Courts below, therefore, have rightly proceeded to hold that the respondent-plaintiffs have approached the Court, seeking for injunction and the said suit is maintainable. The possession over the property is not disputed by the parties and, therefore, the judgements and decree passed by the Courts below cannot be faulted with.

Both the Courts below have returned concurrent findings after properly appreciating the pleadings and evidence brought on record by the parties and the same cannot be interfered with as there is no perversity or illegality in the same.

No substantial question of law is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed on delay as well as on merits.

December 01, 2015
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE