

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.4684 of 2014 (O&M)
Date of Decision.03.11.2015

Jagmal son of Sh. Ram Sarup

.....Appellant

Versus

State of Haryana and another

.....Respondents

Present: Mr. S.P. Chahar, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. Delay of 2 days in filing the appeal is condoned.
2. The plaintiff has a complaint that as Nambardar he was entitled to have a control over the Dhall Banch of Thola Barsal but it had been wrongly granted to yet another person. The trial Court dismissed the suit holding that the appropriate remedy would be only to approach the Collector for assignment of duties as Nambardar and the Civil Court will not be competent to decide on the same. In appeal filed by the plaintiff, the issue of wrong choice of forum is reiterated by the Appellate Court but it had also entered finding regarding the merits of the plaintiff's claim and decided that the plaintiff had no claim. The plaintiff is aggrieved by the same in the second appeal.
3. The decision regarding the choice of forum is correctly done by both the Courts below and if it has been held that the civil suit is not efficacious remedy then the finding regarding the plaintiff's case on

merit would require to be discarded and the appropriate forum will take a decision unmindful of the observations made by the Appellate Court.

With these observations, the second appeal is dismissed.

(K. KANNAN)
JUDGE

November 03, 2015
Pankaj*