

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

Regular Second Appeal No.6016 of 2014 (O&M)

Date of Decision: October 06, 2015.

Gopal

.....APPELLANT(s).

VERSUS

Ram Dayal alias Ramesh

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Virendra Rana, Advocate
for the appellant (s).

SURINDER GUPTA, J.

Heard.

Plaintiff-Ram Dayal alias Ramesh son of Parma, filed suit seeking possession of plot bearing Khasra No.1090(0-01) allotted to him on 29.11.1961 by Consolidation Officer and the allotment was later on approved on 13.2.1962. The defendant threatened to forcibly occupy the plot and the matter was reported to the police on 10.1.2010. Under amicable settlement with the intervention of the respectables, the defendant vacated the plot. The plaintiff was residing in Village Tikri Brahman and the defendant taking undue advantage of his absence, again encroached upon the disputed plot in October, 2010 by dismantling the eastern wall.

The defendant-appellant appeared and contested the claim of plaintiff, denying that the suit plot was allotted to plaintiff. He alleged himself to be owner in possession of the disputed plot and also denied the alleged compromise in January, 2010.

Both the courts below on the basis of the revenue record concluded that the suit plot was allotted to the plaintiff. A note was also taken of the statement of defendant, who while appearing as DW1, has stated that the plot in dispute was shown in possession of the plaintiff in the revenue record. The suit of the plaintiff was decreed and the defendant was directed to hand over the possession of the suit plot to plaintiff.

The learned counsel for the appellant has argued that the suit land as per jamabandi for the year 1973-74, is owned by Gram Panchayat and the Gram Panchayat was not made a party, as such, the suit was bad for non-joinder of the necessary parties. A preliminary objection to this effect was also taken by the defendant in his written statement.

On perusal of the judgment of the courts below, it appears that the plea raised by learned counsel for the appellant-defendant was never pressed at any point of time before the courts below by the defendant. Even otherwise, the plaintiff is claiming possession of the land allotted to him by the Gram Panchayat. No relief has been claimed by the plaintiff against the Gram Panchayat in this suit, as such, the Gram Panchayat was not a necessary party.

No other argument has been addressed.

No substantial question of law arises for determination in this appeal, which has no merits.

Dismissed.

October 06, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE