

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

119

CR No. 6579 of 2016

Date of Decision: September 30, 2016

ISHWAR SINGH

-PETITIONER

VERSUS

GRAM PANCHAYAT KOYAL

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Harish Nain, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has assailed order dated 15.09.2016 passed by District Judge, Jind whereby delay in filing the appeal by the Gram Panchayat was condoned.

The case set up by Gram Panchayat was that Ex-Sarpanch of the Gram Panchayat, Koyal namely Rameshwar was involved in a criminal case and he was lodged in Jail. The appellant was not aware of pendency of the suit and he came to know only when warrants of possession were issued by the Executing Court. On the aforesaid premise, delay in filing the appeal was sought to be condoned.

The stand of the petitioner-respondent was that in the execution proceedings, a notice was duly served upon the Gram Panchayat but none appeared and the Gram Panchayat was proceeded against exparte vide order dated 26.05.2016. In view of aforesaid, knowledge was attributed to the present Sarpanch.

Evidently, previous Sarpanch namely Rameshwar was

convicted in a murder case. Lawyer was appearing. Member Panchayats were not in the knowledge of pendency of that suit. Due to change of Sarpanch in the election of the Gram Panchayat, the outgoing Sarpanch could not bring the factum of litigation to the notice of the new Sarpanch. The Appellate Court compared the common cause with that of individual cause and preferred common cause of general public while exercising equitable jurisdiction vested in it. The disputed property is a gali sareaam.

Looking to the controversy, the pleaded cause was considered to be sufficient for condonation of delay while taking pragmatic approach to the controversy, for condoning the omission on the part of the Gram Panchayat.

In my considered view, the approach adopted by the Lower Appellate Court cannot be faulted with. The substantial cause of justice should not suffer on the alter of technicality.

This revision petition is therefore, totally bereft of merits and the same is accordingly disposed of. However, the lower Appellate Court shall make every endeavor to decide the pending appeal expeditiously as far as possible.

(RAJ MOHAN SINGH)
JUDGE

September 30, 2016

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No