

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

Civil Revision No.6634 of 2015
Date of decision: August 30, 2016

Satish Chand

...Petitioner

Versus

Gram Panchayat Durgapur & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ashok Kaushik, Advocate for the petitioner.
Mr. Rajender Sarot, Advocate for respondents No.1 & 2.
Mr. Sidharth Sanwaria, DAG, Haryana.

Rajan Gupta, J.

Present revision petition is directed against the order dated 13.08.2015 (Annexure P-4), passed by the trial court, whereby application U/O 21 Rule 32 CPC filed by the petitioner has been dismissed.

Learned counsel for the petitioner has assailed the order. He submits that approach of the court below is erroneous and against law. He submits that respondents have been threatening the petitioner from raising construction of his residential house over the land in question and thus, they are guilty of willful disobedience of the judgment and decree dated 7.5.2003, passed against them.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, petitioner filed a suit for permanent injunction in

the civil court, which was dismissed by the civil court on 5.9.2001. Appeal was preferred against the said judgment and decree and the same was partly accepted by Additional District Judge, Faridabad on 7.5.2003 protecting possession of the petitioner over the suit property as long as he continues using the same for residential purposes. Thereafter, in rainy season, the temporary construction of the petitioner had fallen down and when he started construction of his residential house, respondents stopped him from doing so. It is evident from the records that vide judgment and decree dated 7.5.2003, Gram Panchayat Durgapur only was restrained from ejecting the petitioner/plaintiff from interfering into his possession till he continues using the suit property for residential purposes and respondents No.3 & 4 had no concern with the instant application. Moreover, the said judgment reveals that the suit property was not being used for residential purposes. I find no infirmity with the order passed by the court below. In case petitioner is permitted to raise construction of his residential house over the property in question, he will become owner thereof, whereas relief of ownership has already been declined by the court. Revision petition is, thus, without any merit and same is hereby dismissed.

(RAJAN GUPTA)
JUDGE

August 30, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No