

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

CR No.6825 of 2013
Date of decision : 29.07.2016

Mahabir and another

...Petitioners

Versus

Gram Panchayat Village Jatheri

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. Abhinav Sood, Advocate for
Mr. Vikram Singh, Advocate for the petitioners.

AMIT RAWAL, J. (Oral)

The petitioners-plaintiffs are aggrieved of the order passed by the lower Appellate Court, whereby civil miscellaneous appeal at the instance of the defendant against the order of Additional Civil Judge, Sonapat dated 11.03.2010 granting the interim stay in his favour, has been set aside.

Mr. Abhinav Sood, learned counsel appearing on behalf of the petitioners submits that suit for injunction asserting the lessee right over plot Nos.1 and 2 measuring 1500 square yard was filed. Possession of the same has been taken in auction from Gram Panchayat at the rate of ₹925/-

per year for three years for plot No.2 and at the rate of ₹910/- per year for three years for plot No.1. The election of Gram Panchayat was held in June, 2010. Plaintiff No.1 contested the election as Sarpanch and plaintiff No.2 supported. However, the present Sarpanch is inimical towards plaintiff and forcibly dispossessed the plaintiffs. Documentary evidence showing the possession has been produced on record. The Trial Court granted the order of restraining the defendants from interfering into possession & from illegally and forcibly dispossessing the plaintiffs.

He submits that auction proceedings were initiated and the plaintiffs were never put into the possession. It is Gram Panchayat who is continuing into the possession. The factual aspect is that the petitioners were actually put into possession and thus urges this Court for setting aside of the order under challenge.

I have heard learned counsel for the petitioner and appraised the paper book.

This Court cannot remain oblivious that civil suit at the instance of the petitioner was filed in 2011. Order on the application under 39 Rules 1 and 2 read with Section 151 CPC, by the trial Court was passed on 11.03.2010 and the impugned order is dated 11.10.2013. More than three years have gone in this Court. No argument has been addressed, much less, pressed. The status of the suit has not been apprised to the Court. In case the petitioner is actually interested in seeking vindication of the grievance by now three years period had already elapsed, much less, failed to attempt to conclude the evidence.

In my view, order under challenge is based on prima facie

evidence, much less, striking the balance of convenience and apparently Gram Panchayat shown to be in possession.

Without advertng on the merits and demerits of the case, I am of the view that plaintiff shall seek adjudication of the lis by leading the evidence as early as possible.

No ground for interference is made out.

Dismissed.

29.07.2016

pawan

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes

Whether reportable:-

Yes/No