

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.7839 of 2016 (O&M)

Date of decision:21.11.2016

Ramdasia Dharmshala Committee

... Petitioner

Vs.

Hakam Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Harinder Pal Singh Ishar, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Petitioner is aggrieved of the impugned order dated 17.08.2016, whereby, miscellaneous appeal of the respondent against the order dated 12.01.2016 of the trial Court declining the interim application, has been allowed.

Mr. Harinder Pal Singh Ishar, learned counsel appearing on behalf of the petitioner submits that in the proceedings initiated under Section 7 of the Punjab Village Common Land Act, 1961, an eviction order has already been passed, whereas, the Lower Appellate Court completely swayed away by observing that the proceedings are pending. Under the garb of injunction order against the petitioner, the ejectment order has also not been complied with. Though the copy of the ejectment order has not been produced on record.

Be that as it may, in the impugned order, there is a reflection of

the registration of FIR at the instance of the defendant against the plaintiff qua forcible interference and dispossession from the property which itself is a pointer/clincher for admitting the possession of the plaintiff, though not on the basis of the title.

It is in this aspect of the matter, the Court below had granted the injunction qua forcible interference and dispossession. However, the aforementioned interim order cannot be construed as a measure in respect of the ejectment proceedings having been culminated into passing of the final order (Annexure P-5).

With the aforementioned observations, the impugned order is affirmed and revision petition is dismissed.

(AMIT RAWAL)
JUDGE

November 21, 2016
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No