

In the High Court of Punjab and Haryana at Chandigarh

R.S.A. No. 941 of 2013 (O&M)
Date of Decision: January 11, 2016

Ram Chander and others

... Appellants

Versus

Gram Panchayat and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Sandeep Kotla, Advocate,
for the appellants.

None for the respondents.

Paramjeet Singh Dhaliwal, J. (Oral)

Learned counsel for the appellants submits that Gram Panchayat filed an eviction petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 against Dunger Singh, grandfather of the appellants, before Assistant Collector 2nd Grade, Hisar. Said Dunger Singh died on 07.08.1960. Learned counsel further submits that order passed by the Assistant Collector 2nd Grade is against a dead person. Any order/decreed against a dead person is nullity. Learned counsel further submits that suit filed by the plaintiffs-appellant has been dismissed as not maintainable.

Learned counsel for the appellants states that he may be permitted to withdraw the instant regular second appeal with liberty to file an appeal against the order passed by the Assistant Collector 2nd Grade under the provisions of Punjab Village Common Lands (Regulation) Act, 1961.

Dismissed as withdrawn with the aforesaid liberty. So far as delay in filing appeal is concerned, if the appeal is filed within one month from today, the appellants will be at liberty to take the plea that they bona fide chose a wrong forum i.e. civil court due to which the delay has occurred. The appellate Court shall take into consideration this aspect of the matter and the technical ground of limitation will not be pressed unless there is cogent and strong reasons for the same.

January 11, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge