

RSA No. 4827 of 2014 (O&M)

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

RSA No. 4827 of 2014 (O&M)

Date of Decision: January 18, 2016

Ramji Lal

...Appellant

Versus

Gram Panchayat of village khirbi

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Ashok Kaushik, Advocate
for the appellant.

AUGUSTINE GEORGE MASI, J. (Oral):

CM No.11333-C of 2014

Prayer in this application is for condonation of delay of 79 days in re-filing the appeal.

For the reasons mentioned in the application which is duly supported by the affidavit of Ramji Lal-appellant, the same stands allowed. Delay of 79 days in re-filing the appeal, stands condoned.

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Counsel for the appellant states that the suit for declaration and permanent injunction as a consequential relief was filed by the appellant-plaintiff but on an objection taken by the respondent-Gram Panchayat, the finding has been returned by the Courts below that the Civil Court has got no jurisdiction to try the suit as per Section 13 of the Punjab Village Common Land Act, 1961, as the jurisdiction of the Civil Court is barred. Counsel contends that in

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the light of these findings, the civil suit as has been filed by the appellant-plaintiff, may be permitted to be withdrawn with liberty to avail of his remedy, in accordance with law.

In view of the findings recorded by the Courts below on the issue of maintainability of the present civil suit, the suit is permitted to be withdrawn with liberty to avail of his remedy, in accordance with law, if permissible.

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In view of the order passed in the main appeal, no separate order is required to be passed in the present application for staying the operation of the impugned judgment and decree passed by the Appellate Court and the same is disposed of as infructuous.

January 18, 2016

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**