

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

CR No.3766 of 2017

Date of decision : 06.11.2017

Garib Singh

...Petitioner

Versus

Sarabjinder Singh Bhullar @ Bittu Bhullar

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ravi Kumar Matto, Advocate for the petitioner.

Mr. Gurcharan Dass, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-petitioner is in revision petition against the order dated 29.01.2016 passed by the Civil Judge (Junior Division), Ludhiana confirmed in appeal vide order dated 08.02.2017 passed by the learned Additional Sessions Judge, Ludhiana while dismissing the application filed under Order 39 Rules 1 and 2 read with Section 151 CPC.

Learned Appellate Court has noticed that the plaintiff is guilty of concealment of material facts from the Court. The Court has further noticed that the plaintiff has failed to disclose various litigations filed by him against the Municipal Corporation, Ludhiana.

Learned counsel for the respondent has brought to my notice that in the year 2007, the plaintiff himself had asserted as under:-

“9. That since 07.10.1993 the day of passing the order Annexure P-2 the Corporation did not initiate any legal action against the petitioner for taking possession from him. However, on 09.12.2007 the respondent Nos.2 & 3 alongwith muscleman as well as police force visited in the land in question and took the possession of the land in question forcibly and illegally. Although the petitioner is entitled for allotment of the land in question being its occupant since long.”

On the basis of the aforesaid fact, the contempt petition filed by the petitioner was dismissed by this Court. He even filed Special Leave Petition which was also dismissed by the Hon'ble Supreme Court on 30.09.2010. He also filed an appeal under Section 269 of the Punjab Municipal Corporation Act and the same was also dismissed vide order dated 14.11.2014.

It is undisputed position on the record that the land is owned by the Municipal Corporation. The petitioner is only claiming that he is in possession and he should not be dispossessed except in due course of law. He has failed to show any right, title or interest in the property. It is also undisputed position that with a view to settle Dairy owners, the Municipal Corporation had assigned this land and carved out the plots. The allotments were started in the year 1983 which were completed in the year 2007. However, the petitioner has been filing repeated litigations in one Court or the other.

Taking into consideration the aforesaid facts, this Court does not find any good ground to interfere with the discretion exercised by the trial Court.

Revision petition is dismissed.

06.11.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No