

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.4508 of 2017
Date of Order:18.07.2017

The Gram Panchayat of Village Birampur

..Petitioner

Versus

Mohan Lal

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kartik Gupta, Advocate,
for the petitioner.

ANIL KSHETARPAL, J.

The Gram Panchayat-defendant, has filed the present revision petition against order dated 29.04.2017 (Annexure P-7).

The Gram Panchayat had filed an application for framing of an additional issue when the suit was at the stage of rebuttal and arguments. Parties have already led evidence. Parties were conscious of the dispute between them. The proposed issue is extracted as under:-

“Whether the site shown red in colour in the site plan of the plaintiff bears part of Khasra No.317/65/65 and the same has been purchased by the plaintiff, his brother through conveyance dated 08.06.1989 and 27.09.1989”

Plaintiff-Mohan Lal had filed a suit against Gram Panchayat for permanent injunction restraining the defendant from interfering in the lawful and peaceful possession of the plaintiff. Defendant filed written statement contesting the aforesaid suit. Issues in this case were framed by the trial Court on 07.08.2013, which are extracted:-

“On the basis of pleadings of the parties, following issues are framed:-

1. Whether the plaintiffs are entitled to the relief of permanent injunction as prayed for?OPP
2. Whether plaintiff has no locus standi and cause of action to file the present suit?OPD
3. Whether plaintiff has not come to the Court with clean hands and so not entitled to the discretionary relief of injunction?OPD
4. Whether this Hon'ble Court has got no jurisdiction to try the present case?OPD
5. Whether site plan produced by the plaintiff is wrong and incorrect?OPD
6. Relief.

No other issue pressed, arises or claimed by the parties.

Case is adjourned to 04.10.2013 for evidence of plaintiffs. PF/DM and list of witnesses be filed within 3 days.”

After the parties have completed their evidence, an application was filed for framing of additional issue, extracted above.

In my opinion, Issue No.1 as framed on 07.08.2013, is comprehensive. Issue no.1 is with regard to entitlement of the plaintiff to the relief of permanent injunction as prayed for in the suit, which would obviously include adjudication of the right, title or interest of the plaintiff. The trial Court while deciding the injunction suit would certainly examine what is the right of the plaintiff.

With these observation, the revision petition is disposed of accordingly.

July 18, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No