

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

C.R. No. 4552 of 2017

Date of decision:- 14.07.2017

Ram Kumar & anr.

...Petitioners

Versus

Satya Narayana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. H.S. Rapra, Advocate
for the petitioners.

RITU BAHRI J.

This petition under Article 227 of the Constitution of India is for setting aside order dated 17.05.2017 (Annexure P-6) passed by the learned Addl. Civil Judge (Sr. Divn.) Kaithal, whereby the application filed by the petitioner for setting aside ex parte order dated 29.09.2016, was dismissed and the application for temporary injunction of respondent No. 1 was allowed.

A bare perusal of impugned order shows that in the suit, defendant Nos. 1, 2 and 5 were proceeded ex parte, vide orders dated 08.01.2014, 03.11.2014 and 09.07.2014 respectively. Thereafter, defendant Nos. 3 and 4 were proceeded ex parte vide order dated 29.09.2016. The civil suit was filed on 17.12.2013 by respondent No. 1.

Thereafter, petitioners filed written statement. The gali in dispute is ownership of Gram Panchayat has been admitted by petitioners in the written statement.

Now the grievance of the petitioners is that even though they have been granted liberty to join proceedings at the stage which the case is, the trial Court should have given them liberty to lead evidence as well.

Keeping in view the fact that the ownership of the Gram Panchayat has not been disputed by the present petitioners, they have rightly been allowed to join proceedings only.

In view of the above discussion, the revision petition is dismissed being devoid of merits

July 14, 2017

G Arora

(**RITU BAHRI**)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes

No