

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

CR No.5535 of 2017
Date of decision : 21.08.2017

Mahinder Kumar

...Petitioner

Versus

Gram Panchayat Kullan and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.S. Sahu, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-petitioner has filed the present revision petition against the order dated 14.07.2017 allowing the application filed by the Gram Panchayat to be added as defendant.

The plaintiff-petitioner had filed a suit for partition of land measuring 279 kanals 7 marlas as per the jamabandi for the year 2009-10 situated in Village Kullan, Tehsil Tohana, District Fatehabad comprised in khewat No.535, khatauni Nos.808, 817 and 818. The Gram Panchayat filed an application for being added as party defendant in the case on the ground that the partition of land measuring 279 kanals 7 marlas has been sought which is gair mumkin and the land is being utilized for common purposes i.e. Mandir, Gurudwara, Schools, Hospitals, Latrines, Galli, Pond etc.

The learned trial Court allowed the application after considering that the land is being used for common purposes.

Learned counsel for the petitioner-plaintiff has submitted that in the revenue record, the Gram Panchayat is not being shown as owner.

Learned counsel for the petitioner has placed on file a translated copy of jamabandi for the year 2009-10 as Annexure P-6. A perusal of the jamabandi would show that khewat No.535 is a big khata and in certain khasra numbers Temple, Gurudwara, Schools, Hospitals, Toilet, Pond, street etc. have been shown. Therefore, it is established on the record that some part of the land, prima facie, is being used for common purposes of the residents of the village.

The argument of learned counsel that the Gram Panchayat is not the owner as per revenue record, hence, the application on its behalf was not maintainable, cannot be accepted at this stage because the trial of the case is yet to commence. The parties would be permitted to lead evidence and establish their respective case.

Prima facie some part of the land is being used for common purposes. Therefore, the application filed by the Gram Panchayat for being impleaded as party defendant in the suit has been correctly allowed.

For the reasons recorded above, I do not find any reason to interfere in the order passed by the trial Court.

Accordingly, the present revision petition is dismissed.

21.08.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No