

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

-.-

Date of decision: 03.10.2017

CR 6795 of 2017

Gram Panchayat of Village Sirsi

..... Petitioner

Versus

*Panthi son of Shri Nar Singh (now deceased) through his LRs Karan Singh
and another*

.....Respondents

CR 6796 of 2017

Gram Panchayat of Village Sirsi

..... Petitioner

Versus

Sat Pal and others

.....Respondents

CR 6797 of 2017

Gram Panchayat of Village Sirsi

..... Petitioner

Versus

Sohan Lal

.....Respondent

CR 6798 of 2017

Gram Panchayat of Village Sirsi

..... Petitioner

Versus

*Braham Dutt son of Shri Asha Ram (now deceased) through his LRs Dharam
Pal and others*

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. P S Rana, Advocate
 for the petitioner

-.-

Rekha Mittal, J. (Oral)

This order shall dispose of aforesaid petitions as common
questions of law and fact are involved for adjudication.

Counsel for the petitioner has submitted that Ram Dia and

others filed civil suit for permanent injunction in respect of land in question and the suit was dismissed by the Court vide judgment and decree dated 27.04.2013 (Annexure P6). The appeal filed by unsuccessful plaintiffs was dismissed on 16.07.2016 vide judgment (Annexure P7). A regular second appeal filed by Braham Dutt (since deceased) through his legal representatives and another was withdrawn by the appellants on 10.11.2016 (Annexure P8). It is further submitted that no appeal arising out of judgment and decree dated 27.04.2013 passed in Civil suit No. 527 of 2012 is pending before this Court.

Karan Singh and Lakhi Ram claiming themselves to be legal heirs of Nar Singh filed civil suit for declaration with consequential relief of permanent injunction regarding land, detailed in para 2 of order dated 29.07.2016 (Annexure P9) but application for grant of interim injunction under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure (in short, CPC) was dismissed by the Court of Shri Rajat Verma, Civil Judge (Junior Division), Karnal on 29.07.2016. Miscellaneous civil appeal No. 79 of 2016 against order passed by the trial Court came to be dismissed by the Additional District Judge, Karnal vide order dated 07.11.2016 (Annexure P10).

Counsel would inform that revision petition(s) filed before this Court against the orders passed by the Courts below for grant of interim injunction are pending in this Court but no order of stay has been passed in favour of the petitioner(s).

Gram Panchayat initiated the proceedings for eviction of the respondents under the Public Premises Act and eviction order was passed way back in the year 2004 and the same has attained finality. Gram

Panchayat filed application for execution of order of eviction dated 24.02.2004 wherein the Collector/SDO (Civil), Karnal passed order dated 17.08.2017 (Annexure P5). Against the orders, the respondents have filed an appeal before the Commissioner wherein application under Order 21 Rule 29 CPC for staying the execution petition has been filed by raising averments in sub para (i) of para 2 of the application (Annexure P3) with regard to pendency of civil suit in the Court of Shri Rajat Verma, Civil Judge (Junior Division) Karnal and proceedings before this Court but without disclosing that application for grant of interim injunction has been dismissed by the trial Court as well as in appeal. It is further submitted that the Commissioner has passed impugned order dated 31.08.2017 whereby execution of eviction order has been stayed and status quo order has been passed.

Without examining merits of order dated 31.08.2017 passed by the Commissioner, Karnal Division, camp at Rohtak, the petitions stand disposed of with a direction to the Commissioner to decide the appeal(s), after hearing the parties, in accordance with law within a period one month with effect from 12.10.2017, the date fixed in the proceedings.

Photocopy of this order be placed on the file of connected cases.

(Rekha Mittal)
Judge

03.10.2017
mohan bimbra

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