

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.8536 of 2015 (O&M)

Date of decision: 27.07.2017

Gram Panchayat

... Petitioner

Vs.

Fuman Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Sukhpreet Kaur, Advocate for the petitioner.

Mr. Prateek Pandit, Advocate for the respondent.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 03.11.2015 passed by the learned Additional District Judge, whereby miscellaneous appeal of the plaintiff-respondent was partly allowed, modifying the order of the learned trial Court dated 16.07.2015, directing the parties to maintain status quo during pendency of the civil suit, defendant-Gram Panchayat has approached this Court by way of present civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion was issued.

Heard learned counsel for the parties.

When the case came up for hearing on 17.01.2017, following order was passed by this Court: -

“During the course of hearing, when confronted with the specific entry recorded in column No.4 of jamabandi for the year 2007-08 (Annexure P-6) as Jumala Malkan Wa Digar Hakdran Hasab Rasad

Khewat, learned counsel for the petitioner could not refer to any relevant document to show as to how the petitioner-Gram Panchayat is claiming ownership over the land in question.

Learned counsel for the petitioner seeks time to place on record any other relevant document to show the source of title of the petitioner-Gram Panchayat.

On her request, adjourned to 29.3.2017.

In the meantime, parties are directed to maintain status quo qua the possession as well as alienation of the suit land.”

Thereafter, on 29.03.2017, learned counsel for the petitioner sought another opportunity and on her request, case was adjourned for today. When the attention of learned counsel for the petitioner was drawn to the abovesaid order dated 17.01.2017 passed by this Court, she had no answer to the entries recorded in Annexure P-6 i.e. jamabandi for the year 2007-08 and rightly so, it being a matter of record. This being the undisputed fact situation obtaining on record, no fault can be found with the impugned order passed by the learned Additional District Judge and the same deserves to be upheld.

This Court is not making any observations on merits of the case, lest it may not cause any prejudice to interest of either of the parties. So far as the impugned order dated 03.11.2015 passed by the learned first appellate Court is concerned, said order is strictly in accordance with true facts of the case and also in accordance with law, which deserves to be upheld, for this reason also.

The learned first appellate Court was well within its jurisdiction to pass the impugned order, which has been found based on sound reasons. Since both the parties were trying to put their claim regarding possession of the suit

land, learned Additional District Judge rightly directed the parties to maintain status quo regarding the possession. Under these circumstances, it can be safely concluded that the learned Court below committed no error of law, while passing the impugned order dated 03.11.2015 and the same deserves to be upheld, for this reason as well.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order passed by the learned first appellate Court, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since no illegality has been found in the impugned order passed by the learned first appellate Court, the same deserves to be upheld. The revision petition having been found wholly misconceived, bereft of merit and without any substance, must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, instant civil revision petition stands dismissed, however, with no order as to costs.

All the pending miscellaneous application(s), if any, shall also be disposed of.

[RAMESHWAR SINGH MALIK]
JUDGE

27.07.2017

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No