

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.5456 of 2017

Date of Decision.03.04.2017

Kesar Dass son of Bhag Chand

.....Petitioner

Vs

State of Punjab and others

.....Respondents

Present: Mr. Mohd Yousaf, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

The petitioner is seeking implementation of the judgment and decree dated 09.05.2014 (Annexure P-1). He approached this Court on many occasions. This Court vide order dated 27.10.2016 (Annexure P-8) had directed the concerned respondent to decide the matter. The Deputy Commissioner vide order dated 21.12.2016 (Annexure P-9) has decided the matter and given very cogent reasons on the premise that in civil suit only the relatives of the petitioners are impleaded and not the other owners. The State of Punjab which was impleaded did not contest, resultantly set ex parte but thereafter moved an application under Order 9 Rule 13 CPC for setting aside the ex parte order whereby the delay has been condoned whereas Mr. Yousuf refuted the observations reflected in the impugned order regarding granting stay as the matter is pending, in essence, no stay has been granted. It is only for consideration of stay.

Since the application under Order 9 Rule 13 is pending, the following directions sought in the writ petition cannot be granted:-

“Civil writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondent Nos.2 to 4 to enter the name of the petitioner in the

column of ownership of the jamabandi of village Nanakpur Jagera Tehsil Payal District Ludhiana, in view of the above mentioned judgment and decree dated 09.05.2014 (Annexure P-1) not only reproducing the order of this Hon'ble High Court passed in CWP No.13597 of 2015 after quashing the order dated 21.12.2016 (Annexure P-9) passed by respondent No.2.

AND

With the further direction to the respondents to comply with the judgment and decree dated 09.05.2014 (Annexure P-1) passed by Ld. District Civil Judge (Sr. Division), Payal District Ludhiana and order dated 22.09.2015 (Annexure P-5) passed by this Hon'ble Court in CWP No.13597 of 20-15.

AND

Issuance of any other appropriate writ, order or direction to which this Hon'ble Court may deem fit and proper keeping in view the facts and circumstances of the present case.”

No ground for interference is made out. The writ petition is dismissed.

(AMIT RAWAL)
JUDGE

April 03, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No