

LPA no. 357 of 2017 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA no. 357 of 2017 (O&M)

Date of Decision : 08.03.2017

Ram Chander and others

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE DR. SHEKHER DHAWAN

Present : Mr.V.K.Jain, Sr. Advocate with
Mr. J.L.Malhotra, Advocate for the appellant

MAHESH GROVER, J.(ORAL)

CM 739-LPA of 2017

After hearing learned counsel for the appellants, marginal delay of 42 days in filing the appeal is hereby condoned. CM stands allowed.

Main case

This appeal is directed against the judgment of the learned Single Judge dated 20.12.2016 which was essentially an acknowledgment of the settlement inter se between the parties and based on the strength of the statement made by the counsel who was representing the respondent conceding that khasra no. 71/11 where tubewell is situated be given to the petitioner but keeping the remaining part of the partition deed intact. Against this order, a review was preferred which was also dismissed.

Now the learned counsel for the appellants agitate before this Court that the counsel was not authorized to give statement as he was merely a proxy counsel representing the counsel who had filed the writ petition. We

would not like to enter into this domain as it was open to the counsel for the petitioner to object to such a finding being recorded by the learned Single Judge as the order was pronounced in the open Court.

Confronted with this situation, when we were not in agreement with the counsel representing the appellants, a prayer has been made that since crops are standing the appellants be given two months time to voluntarily hand over the possession of the said khasra no. 71/11, as a condition imposed by the learned Single Judge of handing over the possession within two months would be detrimental to his cause considering the harvesting season is round the corner.

This in our opinion may be the only modification required in the judgment of the learned Single Judge. Thus while dismissing the instant appeal we clarify that the appellants shall now hand over the possession to the respondent nos.3 to 7 within a period of two months from today but not later than 15.5.2017. This would however, be subject to the condition that the appellants furnish an undertaking to this Court within a period of two weeks from today that they would voluntarily hand over the possession of the khasra no. 71/11 to respondent nos .3 to 7 within the stipulated time granted by this order failing which this benefit of two months would not be available to the appellants and the respondents no. 3 to 7 would be at liberty to take recourse to their remedies in law.

(Mahesh Grover)
Judge

(Shekher Dhawan)
Judge

08.03.2017

rekha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No