

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

**RSA No.4515 of 2017 (O&M)
Date of Decision: 13.10.2017**

Raj Kumar

... Appellant

Versus

Gram Panchayat Village Bassi

... Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Deepak Sharma, Advocate for
Mr. Pankaj Bali, Advocate
for the Appellant.

ANIL KSHETARPAL, J. (ORAL).

The plaintiff is in second appeal against the judgement passed by the learned District Judge, Karnal.

The plaintiff had filed a suit for permanent injunction claiming that he is owner in possession of the residential house situated within the Lal Dora. The defendant/Gram Panchayat contested the suit and claimed that the civil Court does not have the jurisdiction as the suit land vests with the Gram Panchayat.

After appreciating the evidence available on the record, learned trial Court decreed the suit and restrained the defendant from dispossessing the plaintiff. The Gram Panchayat filed an appeal. Learned first Appellate Court has upheld the possession of the plaintiff. However, the learned Court has held that since the title has not been adjudicated upon because there was no issue of title, therefore, the Gram Panchayat would be entitled

to file appropriate proceedings against the plaintiff. The plaintiff is aggrieved thereof.

Once the title has not been decided and the suit was only for injunction, no error is found in the approach of the learned first Appellate Court wherein liberty was granted to the Gram Panchayat to file appropriate proceedings.

Needless to say that the plaintiff would be entitled to take all possible defences in those proceedings including the fact that he is owner of the property.

The appeal is dismissed.

(ANIL KSHETARPAL)
JUDGE

13.10.2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No