

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

Civil Revision no.5480 of 2018

Date of Decision:14.09.2018

Bharat Rattan Dr.B.R.Ambedkar Welfare Society(Regd.)

.....Petitioner

Vs.

Jagdish Mitter Bhatara and others

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Sandeep Arora, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner challenges the orders of the learned trial Court as also the learned appellate Court, dismissing his application filed under Order 39 rules 1 and 2 of the CPC, with those Courts holding that, firstly, the suit earlier filed by one Desh Raj *qua* the same suit land was dismissed, with that judgment having become final; and other than that, as per proceedings taken under Section 145 of the Cr.P.C., possession of the suit land was given to defendants no.23 to 27 in the suit, by the orders of the Sub-Divisional Magistrate, with police help.

It has further been held in the impugned order that the defendants' stand is that the suit land was originally allotted to defendants no.1 to 19 by an order of the Custodian General of Evacuee Property, Delhi, on 19.10.1956. The said defendants then sold it to one Charanjit Singh Channi, from whom defendants no.23 to 27 purchased it and are now in possession (as per their contention).

Learned counsel for the petitioner submits that factually (as contended), the petitioner is in possession of the property since 1886 as reflected even in the revenue record uptill 1931-32.

Without making any comment whatsoever on the actual merits of the case of the petitioner/plaintiff or the respondents/defendants, which naturally would be gone into by the trial Court on the basis of evidence led before it, I see no reason to interfere in the impugned orders, for the reasons given in those orders as have been described hereinabove.

On specific query to learned counsel as to whether the order passed under Section 145 of the Cr.P.C. was ever challenged successfully, he expresses ignorance on that aspect.

Very obviously, if such order had been challenged, it would have been brought to notice of either the Courts below or to this Court and consequently, it has to be accepted that the said order has not been challenged and what has been recorded by the learned Courts below as regards possession being handed over to defendants no.23 to 27 also is to be accepted at this stage, by this Court.

Consequently, finding no merit in this petition, it is dismissed in *limine*.

(AMOL RATTAN SINGH)
JUDGE

September 14, 2018.
dharamvir/dinesh

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO