

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

126

CR No.6330 of 2017 (O & M)
Date of Decision:05.04.2018

Anguri

...Petitioner

Versus

Ram Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Navneet Singh, Advocate
for the petitioner.

Mr. Vikas Singh, Advocate
for respondent Nos.1 and 2.

Mr. Satish Garg, Advocate
for respondent Nos.3 to 7.

ANIL KSHETARPAL, J.(Oral)

Defendant No.6, counter claimant/petitioner is in the revision petition against the order passed by the learned First Appellate Court partly accepting the appeal and vacating interim injunction granted by the learned trial Court. Defendant No.6 claims title and possession on the basis of sale deed dated 09.07.2015. Respondent Nos.1 and 2, who are plaintiffs in the suit, have challenged the aforesaid sale deed. While deciding the application under Order 39 Rules 1 and 2 of the Code of Civil Procedure. Learned trial Court granted injunction in favour of the petitioner.

Taking into consideration the sale deed executed, learned First Appellate Court has vacated the order on the ground that it is a vacant piece of land situated within 'abadi' and it appears that parties are trying to usurp the property of the Gram Panchayat. Learned First Appellate Court has also directed Gram Panchayat to be impleaded as a party. The Court has further

directed Deputy Commissioner, Sonapat to take steps for protecting the interest of the Gram Panchayat.

It is not in dispute that the property is situated within 'abadi' of the village. Prima facie there is a document of title in favour of defendant No.6. It is further not in dispute that substantial progress in the trial has been made and the case is now fixed for 15.04.2018 for evidence of the plaintiff. Four witnesses have already been examined.

Taking into consideration the aforesaid facts, the learned trial Court is directed to decide the suit expeditiously and preferably within a period of 6 months as agreed to by the counsels appearing for the parties from the date of receipt of certified copy of the order.

In the meantime, status quo with regard to possession and construction by all the parties shall be maintained.

Revision petition is disposed of.

05.04.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No