

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205

IOIN-3580-2003 in/and
RSA-3580-2003 (O&M)
Date of Decision : 29.8.2018

State of Haryana and another

...Appellants

vs.

Jai Pal (since deceased) through LRs and others

...Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Dr. Sushil Gautam, DAG, Haryana
for the appellants.

Mr. R.K.Sharma, Advocate
for respondent No.1.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgment of the Lower Appellate Court reversing that of the Trial Court and decreeing a suit for permanent injunction filed by respondent No.1 against the appellants and respondents No. 2 and 3.

The case of the respondent No.1 was that he had been allotted 39 Kanals and 12 Marlas of surplus land by the appellants on account of being a eligible tenant.

The dispute in this case relates to the competing claims for allotment by the respondent No.1 on the one hand and respondents No.2 and 3 on the other hand. By the impugned judgment and order the Lower Appellate Court had held that the appellants were entitled to allotment of the land and not respondents No. 2 and 3. Significantly, respondents No. 2 and 3 have not chosen to challenge that judgment and it is only the State of

Haryana which has filed the appeal. As far as State of Haryana is concerned it has divested itself from the land by allotting part of the land to respondent No.2 and once those respondents who are effected persons have not challenged the same, I deem it appropriate to dismiss this appeal.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

29.8.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No