

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

RSA No.1000 of 2016 (O&M)

Date of decision:10.12.2018

Milkha Singh and another

... Appellants

Vs.

Gram Panchayat of village Dialpura and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Akhil Agnihotri, Advocate for
Mr. K.S.Dhillon, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

The appellant-plaintiffs have not been successful in obtaining the injunction against the defendants qua forcible interference and dispossession in respect of the suit land.

The basis of the suit was that vide exchange of 1998, the plaintiffs had been put in possession. However, the same was challenged and ultimately, Tehsildar-cum-Collector Grade-I, rejected the same and sanctioned the mutation bearing no.1950 of 18.11.2008 in the name of Gram Panchayat. In view of such fact, the trial Court dismissed the suit. However, before the Lower Appellate Court, a supervening fact was sought to be placed on record by way of additional evidence as after availing the statutory remedy in challenging the order of revenue authority, this Court in CWP No.9166 of 2010 titled as Milkha Singh and another vs. State of

Punjab and others, reported as 2012(67) RCR (Civil) 865 remitted the matter to the authority below as the plaintiffs were not given any opportunity of hearing.

Mr. Akhil Agnihotri, learned counsel appearing on behalf of the appellant-plaintiffs submitted that after the order of the Division Bench of this Court, exchange has attained finality and in such circumstances, the injunction is/was inevitable.

I am afraid the aforementioned argument is not sustainable, for, no subsequent order of the revenue authority has been placed on record in support of the aforementioned submission. Assuming that plaintiffs' exchange had actually been acknowledged by the revenue authority but khasra girdawari would be the testimony to establish the possession. In the absence of the same, injunction rejected by the Courts below cannot be faulted with.

No ground is made out for interference in the impugned judgments and decrees, much less no substantial question of law arises for adjudication of the present appeal.

The regular second appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 10, 2018
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No