

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

**RSA No.479 of 2016 (O&M)
Date of Decision.21.11.2018**

Gram Panchayat Saran

...Appellant

Vs

Raghuwansh Singh

...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Krishan Singh, Advocate
for the appellant.

-:-

AMIT RAWAL J. (ORAL)

C.M. No.1374-C of 2016

For the reasons stated in the application, delay of 154 days in re-filing of the appeal is condoned.

Application is allowed.

RSA No.479 of 2016

The cause of action has arisen to the appellant-plaintiff to assail the finding of the lower Appellate Court is that though injunction decree granted in favour of the Gram Panchayat against the defendant has been upheld, both the parties have been directed to avail the remedy with regard to title under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961 as applicable to Haryana.

Learned counsel for the appellant submitted that once it was specifically alleged that the land was owned by Gram Panchayat, there was no occasion for using the word “both”, for, the defendant had propounded the sale deed of *baras*, which could not be connected with the land in dispute.

I am afraid aforementioned argument of Mr. Krishan Singh is not sustainable, for, while upholding the injunction, the lower Appellate Court has given liberty to both the parties to *lis* to claim ownership. It is comprehension of the parties to understand import of judgment. It was defendant, who had propounded sale deed, would be affected party to claim the title. In the absence of the same, injunction would continue in favour of the plaintiff.

As an upshot of my finding, I do not find any illegality and perversity in the concurrent finding of fact rendered by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal stands dismissed.

(AMIT RAWAL)
JUDGE

November 21, 2018
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No