

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

**RSA No.3198 of 2017 (O&M)**  
Date of decision: 22<sup>nd</sup> January, 2018

Swaran Singh

... Appellant

Versus

Manjit Kaur and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Rohit Ahuja, Advocate for the appellant.

**FATEH DEEP SINGH, J.**

This regular second appeal has come up through appellant Swaran Singh who was plaintiff before the Court of learned Civil Judge (Senior Division), Kapurthala whose suit for recovery by way of damages against the defendants (now respondents) stood dismissed vide judgment dated 09.07.2014 and consequently his appeal too stood dismissed through judgment dated 20.09.2016 by the Court of learned Additional Sessions Judge, Kapurthala.

Upon hearing Mr. Rohit Ahuja, Advocate for the appellant and on perusal of the records. The appellant/plaintiff had sought compensation by way of damages against the respondents/defendants who happen to be various functionaries of the Gram Sabha of village Wadala Khurd, Tehsil and District Kapurthala, on the ground that the Gram Sabha of the village on 06.09.2008 had passed a resolution

levelling false and frivolous allegations against the plaintiff being a mischievous and trouble maker and thus, the same has lowered his image and dignity before the people at large.

Since the principal grouse of the appellant/plaintiff is against the resolution of the Gram Panchayat which is governed under the Punjab Panchayati Raj Act, 1994 (in short, 'the Act') and being a Gram Sabha under the Act is in itself a legal authority under the Act with a common seal and succession and being a body having legal identity by virtue of its working had passed the resolution in terms of Section 8 of the Act carrying on its functions as detailed in Section 9 read with Section 30 of the Act. Since it is the resolution passed by a Gram Panchayat which is the bone of contention and allegations of injury to the plaintiff/appellant, it was incumbent upon the appellant/plaintiff to have arrayed the Gram Panchayat of village Wadala Khurd which is a necessary party. Since being a necessary party in terms of Order I Rule 9 CPC it ought to be joined as a party to the suit, in whose absence an effective decree could not be passed by the Court and therefore, no such order can be passed against the Gram Panchayat which is carrying on its official functions in the discharge of its official duties and by virtue of specific provisions under Order I Rule 9 CPC having recorded inescapable conclusions leads to the only and only conclusion that the suit and so the appeal has not been properly constituted and seeking support from '**Profulla Chorone Requitte and others v. Satya Choron Requitte**' 1979 AIR (SC) 1682,

this Court holds the view that on account of this non-impleadment of necessary party, no effective adjudication can be made and thus, the suit and consequently the appeal being not maintainable stands dismissed in limine.

**(FATEH DEEP SINGH)**  
**JUDGE**

**January 22, 2018**

*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |