

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

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**CM-13648-49-C-2018 in/and
RSA-4999-2018 (O&M)
Date of Decision : 12.09.2018**

Gram Panchayat Village Kapahat Appellant

Versus

Fateh Singh and others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Naresh Chander, Advocate
for the applicant-appellant.

AJAY TEWARI, J. (ORAL)

CM-13648-49-C-2018

For the reasons recorded, the applications are allowed. Delay of 12 days in refiling and 66 days in filing the appeal is condoned.

RSA-4999-2018 (O&M)

This appeal has been filed against the concurrent judgments of the courts below decreeing a suit for permanent injunction filed by the respondents for restraining the defendants from interfering in their possession except in due course of law.

The case of the appellant-Gram Panchayat was that the respondents were earlier lessee who were now in illegal possession. Both the courts below held that once the possession of the respondents was admitted, the appellant could take steps to dispossess them in accordance with law and seek whatever other relief like mesne profits but could not dispossess them forcibly.

In the totality of circumstances, I am not persuaded that the findings recorded by the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify interference of this Court in second appeal.

Appeal is dismissed. No costs.

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

September 12, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No