

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

RSA No.568 of 2017 (O&M)

Date of Decision:23.10.2018

Phoolwati

...Appellant(s)

Versus

Gram Panchayat, Bhiwani Khera

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Amit Kumar Goyal, Advocate for the appellant.

ANIL KSHETARPAL, J.

The plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by both the courts below.

It is a strange case where the plaintiff, who was erstwhile Sarpanch of the village during the term April 2005 to April 2010, claims recovery of Rs.4,30,000/- from the Gram Panchayat, in which she was holding the office of Sarpanch, stated to have been spent by her from her own pocket. She claims that this amount was due on the basis of a resolution passed on 31.1.2011 in a subsequent term when she was not Sarpanch.

In the written statement, Panchayat defended the suit and pleaded that in fact, plaintiff-appellant when she was occupying the office of Sarpanch received a sum of Rs.1,55,452/- by leasing the land of the Gram Panchayat but did not deposit the amount and in fact this suit is only to avoid recovery of the aforesaid amount.

Both the courts after appreciation of the evidence has found that there is no resolution by the Gram Panchayat for borrowing the amount. Still further, no accounts have been produced in order to prove that

Rs.4,30,000/-was first deposited in the account of the Panchayat. Still further, no permission of the Government has been produced proving authorisation to borrow the amount. The working of the Panchayat is governed by Haryana Panchayati Raj Act and the rules framed thereunder. If such suits are decreed, there would be flood of litigation and each Sarpanch would start claiming the amount from the Gram Panchayat.

In view of the above, there is no ground to interfere with the concurrent findings of fact arrived at by both the courts below. The present regular second appeal is dismissed. Pending application(s), if any, shall also stand disposed of, in terms thereof.

23.10.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No