

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

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**CR-2868-2018 (O&M)
Date of Decision: 01.03.2019**

Shish Ram

... Petitioner

Vs.

Hari Ram and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. R.S.Mamli, Advocate
for the petitioner.

Amol Rattan Singh, J (Oral)

By this petition, the petitioner challenges the order of the learned Additional Sessions Judge, Rewari, allowing an appeal filed by the respondent-Gram Panchayat (co-defendant in the suit instituted by the present petitioner), thereby reversing the order passed by the learned trial Court on an application filed by the petitioner herein under Order 39 Rules 1 and 2 of the CPC.

Vide the impugned order, it has been discussed that the petitioner was actually removed from the suit property by due process of law upon notice having been issued under Section 24(2) of the Haryana Panchayati Raj Act, 1994, after which the Gram Panchayat took possession of the property.

That being so, without making any comment whatsoever on the actual merits of the case of either party, which naturally would be gone into before the trial Court on the basis of evidence led before it, I see no reason to interfere with the order of the learned Appellate Court dismissing the

application of the petitioner under Order 39 Rule 1 and 2 of CPC.

Consequently, this petition is dismissed.

Naturally, the learned trial Court would endeavour to dispose of the suit, which is pending since 2016, at the earliest possible.

(AMOL RATTAN SINGH)
JUDGE

01.03.2019
anju/dinesh

Whether speaking/reasoned : Yes
Whether reportable : Yes