

In the High Court of Punjab and Haryana at Chandigarh

246

CR No.4259 of 2018

Date of decision: 2.5.2019

BHAGWAN KAUR

.....petitioner

Versus

PALA SINGH AND ORS

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.P.K.Ganga, Advocate,
for the petitioner.

Mr.K.S.Godara, Advocate
for respondents No.1 and 2.

Mr.R.T.Redhu, DAG, Haryana.

RAJ MOHAN SINGH, J.(oral)

Petitioner has filed this revision petition challenging the order dated 3.11.2017 passed by the Additional Civil Judge (Sr.Divn.), Dabwali, vide which application filed by the petitioner under Order 1 Rule 10 CPC was dismissed.

Suit for permanent injunction was filed by the plaintiffs against the defendants i.e. State of Haryana through Collector and Block Development and Panchayat Officer restraining them from diverting the funds issued for interlocking the street to any other street except the street in question upto full length and for mandatory injunction, directing the respondents to utilise the funds properly and to make the street

in question interlocking.

Trial Court dismissed the application by making reference to some demarcation, allegedly conducted by the gram panchayat, wherein the petitioner was shown to be in illegal possession of the street. Petitioner was alleged to be in illegal possession. Though gram panchayat is not party defendant in the suit, but in any case, suit for permanent injunction is based on personal grievance of the plaintiff against the official defendants and the plaintiffs being *dominus litus* cannot be compelled to contest against the petitioner with whom they do not wish to contest.

At this stage, correctness of demarcation report, if any, got conducted at the instance of gram panchayat cannot be commented upon. If the petitioner is aggrieved by any intended action of the defendants or the gram panchayat, she can avail her legal remedy in accordance with law, but in any case, she cannot be termed to be necessary and proper party in the suit in question. No indulgence can be granted in this revision petition.

Accordingly, the present revision petition is dismissed.

May 02, 2019
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No