

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

**CR No.7443 of 2017(O&M)
Date of Decision: 09.12.2019**

Harpal Singh

.....Petitioner

Versus

Bhag Singh and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Ms. Sarika Gupta, Advocate
for the petitioner.

None for respondent No.2.

RAJ MOHAN SINGH, J.(Oral)

[1]. Notice of motion was issued only qua respondent No.2 on 31.10.2017. Passing of final order was also stayed. As per office report, respondent No.2 has been duly served. None appeared on behalf of the contesting respondent No.2 despite service and it was proceeded against *ex parte* on 19.11.2019.

[2]. Learned counsel for the petitioner states that the petitioner has no objection as against the order dated 19.09.2014 passed by the District Magistrate, SBS Nagar, if the same is executed in accordance with law. The land in question

is different than the one covered under the aforesaid order. The right claimed by the plaintiff is a right in personam i.e. (personal in nature) and the plaintiff cannot be compelled to fight against a person against whom he or she does not wish to contest.

[3]. In the light of aforesaid observations, I deem it appropriate to dispose of this revision petition with an observation that in case, the property involved in the ejectment proceedings against the petitioner is found to be different than the one involved in the present case, then the Gram Panchayat is not necessary to be impleaded. But if the property involved herein is the same as that of proceedings arising out of the order dated 19.09.2014, then the Gram Panchayat would be a necessary party. Let the needful be done by the trial Court in the aforesaid context.

09.12.2019

*Prince***(RAJ MOHAN SINGH)
JUDGE****Whether reasoned/speaking****Yes/No****Whether reportable****Yes/No**