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

**Civil Revision No.8387 of 2017
Date of Decision: 01.05.2019**

LACHHMAN SINGH AND OTHERS

.....Petitioners

Vs

SUKHJIT SINGH AND OTHERS

....Respondents

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

Present: Mr. Deepak Arora, Advocate
for the petitioners.

Mr. Ravish Bansal, Advocate for
Mr. Ashok Singla, Advocate
for respondents No.1 and 2.

RAJ MOHAN SINGH, J. (Oral)

[1]. Learned counsel for the petitioners submits that respondent No.3 is a co-defendant with the petitioners and service *qua* him be dispensed with at this stage. Ordered accordingly.

[2]. The present revision petition has been filed by the petitioners against the order dated 13.10.2017 passed by the Addl. District Judge, Barnala vide which appeal against the order dated 14.07.2017 passed by the Civil Judge (Sr. Divn.) Barnala was accepted and application under Order 39 Rules 1

and 2 CPC was allowed at the appellate stage.

[3]. Plaintiffs Sukhjit Singh and Taranjit Kaur filed a suit for permanent injunction on the basis of resolution dated 26.12.1986 passed by the Gram Panchayat. The trial Court dismissed the application under Order 39 Rules 1 and 2 CPC vide order dated 14.07.2017 on the premise that the resolution No.40 dated 26.12.1986 was not the photocopy of original resolution as the same did not contain the signatures/thumb impressions of the Panchayat members. Authenticity of the document was *prima facie* doubted. No other evidence viz. *jamabandi* was placed by the plaintiffs on record. However, the lower Appellate Court reversed the aforesaid order and by acknowledging the possession of the plaintiffs over the land in question, granted injunction during pendency of the appeal.

[4]. At the time of issuance of notice of motion on 15.03.2018, raising of further construction was stayed by this Court. Evidently, the Gram Panchayat is not party-defendant to the suit. Only Malkiat Singh Ex. Sarpanch of the Gram Panchayat has been impleaded as defendant No.6. *Prima facie* plaintiffs have not placed on record any material to show that the land is capable of vesting in Panchayat as shamlat deh and due permission was accorded by the competent authority for transferring the land by the Gram Panchayat in favour of the

plaintiffs.

[5]. At this stage no consideration can be made in respect of maintainability of the suit in the absence of Gram Panchayat, particularly when the plaintiffs have derived their title to the property on the basis of resolution dated 26.12.1986 passed by the Gram Panchayat.

[6]. Keeping in view the facts and circumstances of the case, I deem it appropriate to direct the parties to maintain status quo regarding possession over the suit land during pendency of the suit, however with the additional rider that the plaintiffs shall also be restrained from raising further construction over the suit property during pendency of the suit.

[7]. With the aforesaid direction, this revision petition is disposed of. The trial Court shall make every endeavour to decide the suit at the earliest by giving short adjournments.

May 01, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No