

In the High Court of Punjab and Haryana at Chandigarh

CRM-M-18217-2018 (O&M)
Date of Decision: February 20, 2019

Sukhjit Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. P.S. Khurana, Advocate,
for the petitioner.

Mr. Rajat Bansal, AAG, Punjab.

Mr. Vishal Gupta, Advocate,
for respondent No.7.

Rajbir Sehrawat, J. (Oral)

Learned counsel for the petitioner submits that proceedings under challenge in the present petition have since been dropped by the Magistrate. Hence, present petition has been rendered infructuous.

It is further pointed out that vide order dated 23.05.2018, this Court had directed that sale proceeds of the crop standing on the disputed land be kept with the Tehsildar under due receipt. Vide subsequent order dated 29.05.2018, permission was granted to apportion some part of the sale proceeds for harvesting charges and other heads. Accordingly, after deduction of some charges, the remaining amount of sale proceeds of the crops is lying deposited with the Tehsildar. Hence, it is pointed out that some order is required to be passed to apportion the amount available with Tehsildar as receiver.

In view of above facts and circumstances, the present petition is dismissed as infructuous.

However, as stated by the parties, the proceedings have been dropped by the S.D.M. only on the ground that there is no apprehension of the breach of the peace. There is no finding regarding possession of the either party. Therefore, at this stage, there is no reasonable ground for ordering the apportioning of the amount to the parties in any particular manner.

Learned counsel for the parties have also jointly submitted that petitioner herein has filed a suit for injunction against respondent no.7 claiming to be in exclusive possession of the land in dispute. That suit with titled as “Sukhjit Kaur vs. Sukhminder Kaur” is still pending in the Court of learned Civil Judge (Senior Division), Ludhiana.

Accordingly, it is ordered that the amount deposited with the Tehsildar, be deposited with a Nationalized Bank in yearly fixed deposit. After the decision of the civil suit, mentioned above and any appeal arising therefrom, this amount of fixed deposit shall be disbursed, to the party in whose favour the suit will be decided.

Disposed of accordingly.

February 20, 2019
vkd

(Rajbir Sehrawat)
Judge

Whether speaking / reasoned : Yes

Whether reportable : No