

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR No.1979 of 2019 (O&M)

Date of decision: 25.03.2019

Nassrudin and others

..... Petitioners

Versus

Gram Panchayat, Tabar through its Sarpanch
and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Anuj Balian, Advocate
for the petitioners.

ANIL KSHETARPAL, J.(ORAL)

Revision petition is against the order passed by the Court below dismissing the application under Order 21 Rule 32, CPC. The decree for injunction passed in favour of the petitioners reads as under:-

“Suit of the plaintiffs succeeds and decreed ex parte with costs. However, the evidence placed on record by the plaintiffs does not prove their ownership over the suit land. No documents of title has been produced on record. However, the plaintiffs are entitled for a decree for permanent injunction restraining the defendants from interfering into the possession of the plaintiffs over the suit property. Hence, an ex parte decree for permanent injunction is hereby passed in favour of plaintiffs and against the defendants restraining the defendants from interfering into the peaceful possession of the plaintiffs over the suit land as shown in red colour in the site plan, forcibly and illegally. Decree sheet be prepared accordingly and file be consigned to record room.”

The Gram Panchayat, which was ex parte in the civil suit, had issued notice to the petitioners which prompted the petitioners to file the

proceedings under Order 21 Rule 32, CPC. The Court has found that the Gram Panchayat is taking steps in accordance with law and there was no restriction on issuance of notice.

Learned counsel for the petitioners submit that the petitioners has filed a suit for declaration and permanent injunction, however, only injunction was granted and declaration was refused. He submit that earlier also petitioners had challenged such notices issued by the Gram Panchayat.

This Court has considered the submission. Once the suit for declaration filed by the petitioners has been dismissed and only decree for injunction has been granted against the forcible and illegal possession, the Gram Panchayat has a right to proceed in accordance with law.

Hence, there is no ground to interfere.

Revision petition is dismissed.

25.03.2019

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No