

RSA-1308-2017 (O&M)

106

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

RSA-1308-2017 (O&M)

Date of decision : 06.05.2019

Gram Panchayat Village Sujwari

... Appellant

Versus

Maya Devi

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. V.D. Sharma, Advocate
for the appellants.

AMIT RAWAL, J. (ORAL)

The short point involved in the present regular second appeal is whether the respondent-plaintiff alleging herself to be a tenant, as per the jamabandi entry for the year 2003-04 (Ex.P1) and khasra girdawari of the year 2008-09 (Ex.P2), can be evicted, except in due course of law. The answer would be 'No'. Concededly, the plaintiff is in long and settled possession of the suit property. The law with regard to the injunction is no longer *res integra* in view of the decision rendered by Hon'ble the Supreme Court in **Rame Gowda (dead) by LRs V/s M. Varadappa Naidu (dead) by LRs and another 2004(1) SCC 769** reiterated by the recent judgment passed in **Civil Appeal No.4527 of 2009** titled as **Poona Ram Vs. Moti Ram (D) through LRs and others**, decided on 29.01.2019.

Learned counsel for the appellant-defendant/Gram Panchayat submitted that they are contemplating to file the eviction petition. The possession is with them and cannot be taken forcibly.

RSA-1308-2017 (O&M)

In such circumstances, the judgments and decrees, under challenge, is most innocuous and cannot be brought within the realm of perversity to form a different opinion than the one arrived at by the Courts below. Resultantly, the present second appeal is dismissed.

06.05.2019

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**