

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

RSA No.2677 of 2019 (O&M)

Date of Decision: 08.07.2019

Jai Singh

.....Appellant

Vs.

Dhiraj Gupta and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE DR. RAVI RANJAN

**Present:- Mr.Naresh Kaushik, Advocate, for
Mr.J.S.Saneta, Advocate, for the appellant.**

DR. RAVI RANJAN, J. (Oral Judgment)

Mr.Ivneet Singh Pabla and Mr.S.S.Dinarpur, Advocates, have appeared and filed power of attorney on behalf of respondents No.1 and 2 respectively. The same is taken on record.

Learned counsel for the respondents point out that the original order has been passed by the Gram Nyayalaya which is governed by the Gram Nyayalayas Act, 2008 and under Section 34 of the aforesaid Act, provision for appeal has been provided before the District Court. Accordingly, appeal was preferred and the same has been decided by the Additional District Judge, Kurukshetra, dismissing the same. It is further pointed out that as per sub-Section 6 of Section 34 of the aforesaid Act, the decision of the District Court made under sub-Section 4 would be final and no appeal or revision shall lie from the decision of the District Court that means second appeal before this Court would also not maintainable.

However, proviso to that sub-Section lays down that the aforesaid provision

under sub-Section 4 would not preclude any person from availing his/her

judicial remedy available under Article 32 and 226 of the Constitution of India. In the aforesaid background it is urged on behalf of respondents that this appeal would not be maintainable. Learned counsel for the appellant has submitted in view of the aforesaid submission on behalf of the respondents that he wants to withdraw this appeal to avail the remedy available to the appellant under Article 226 of the Constitution of India.

In the result, this appeal is dismissed as withdrawn with the aforesaid liberty granted to the appellant.

(DR. RAVI RANJAN)
JUDGE

08.07.2019

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No