

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-RS-106-C-2018 (O&M)

in

RSA-1244-2010

Date of decision: 26.11.2019

Balwant Singh @ Gunwant Singh

.....Petitioner

Versus

Ravi Kant and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.R.K.Girdhar, Advocate
for the applicants-respondent Nos. 3-4
Mr. Abhishek Jhamb, Advocate for respondent No.1

ANIL KSHETARPAL, J.

Inspite of service of notice, legal heirs of the appellant (non-applicants) have chosen not to put in appearance.

Learned counsel for the review applicant has been heard at length.

Regular second appeal filed by appellant-plaintiff was partially allowed while granting decree for injunction in his favour from forcible dispossession except in due course of law. It may be noted here that the appeal had come up for hearing after a period of 8 years and while noticing that proceedings under the Punjab Land Reforms Act, 1974 for determination as to whether defendants-respondents or their predecessors were big land owners or not, alongwith incidental question as to whether the land in dispute is a tenant's permissible area or not, is pending before the authorities, the appeal as noted above was partially allowed.

This review application has been filed by pleading that the plaintiff-appellant or his legal heirs are not in possession of the land in question and therefore, the limited relief granted by this Court is also not made out. Reference in this regard has been made to Ex.D12, a family partition dated 2.9.2009 signed by father of the appellant, a Panchayati compromise dated 2.12.2001 Ex.D3 and spot inspection Ex.D-16.

Keeping in view the facts of the case, it is considered appropriate to recall the order passed by this Court on 8.8.2018 and list the Regular Second Appeal for re-hearing on 23.1.2020 after issuing fresh notice to the legal heirs of the appellant for the date fixed.

26.11. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)**JUDGE**

Yes / No

Yes / No