

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

**CR-3223-2014(O&M)
Date of decision: 30.01.2020**

Dharam Pal @ Dharam Chand

.....Petitioner

Versus

Municipal Council, Sirsa and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.C.B.Goel and
Mr. Nitish Bhatia, Advocates for the petitioner

Mr. Namit Gautam, Advocate for respondent No.1

Mr. Arun Jain, Sr. Advocate with
Mr. Amit Jain and
Mr. Dhruv Mittal, Advocates for respondents No.3-4

ANIL KSHETARPAL, J. (ORAL)

CM-8647-CII-2014

For the reasons stated in the application, delay of 467 days
in re-filing the revision petition is hereby condoned.

Main case

Present revision petition has been filed by the plaintiff
against judgment passed by learned Trial Court dismissing the suit for
restoration of possession complaining that he has been forcibly
dispossessed within a period of six months from the date of filing of the
suit. Section 6 of the Specific Relief Act enables a plaintiff to initiate
summary proceedings for restitution of the possession. Hence, 'sine qua
non' for decreeing such suit is that the plaintiff must establish that he has
been forcibly dispossessed.

The plaintiff had filed a regular suit for permanent injunction against Municipal Council on 31.5.1995 which was dismissed on 14.6.1999 as the plaintiff failed to produce evidence to prove his possession. Judgment is Ex.D8 on the file. The plaintiff has failed to show how and when after the year 1999 entered into possession.

The plaintiff claims to be deriving the title from one Leela Dhar who in turn claims ownership through Smt. Kanta Chaudhary. It has come on record that Smt. Kanta Chaudhary gave a highest bid in a public auction in the year 1990 and after deposit of 1/4th of the auction money, did not deposit remaining amount. Thus, neither Smt. Kanta Chaudhary nor Leela Dhar or the plaintiff have any right, title or interest in the property. Hence, there is no ground to interfere.

Dismissed.

CM-10746-CII-2016

At the time of final disposal, learned counsel representing the petitioner did not press the application for permission to lead additional evidence. Hence, dismissed as not pressed.

30.01.2020

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Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)**JUDGE**

Yes / No

Yes / No