

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

283

CR No.5525 of 2018 (O&M)

Date of decision : 12.02.2020.

Isham Singh

... Petitioner

Versus

Gram Panchayat village Barthal, Tehsil Nighdu, District Karnal

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Vikram Singh, Advocate for the petitioner.

Mr. Manoj Kumar Taya, Advocate for the respondent.

Anupinder Singh Grewal, J. (Oral)

The petitioner/plaintiff has challenged the orders of the Courts below whereby his application under Order 39 Rules 1 & 2 of the CPC for grant of injunction has been declined.

Learned counsel for the petitioner contends that the land in dispute does not vest with the Gram Panchayat as it does not fall within the definition of *Shamlet Deh* and therefore, the petitioner should have been granted injunction especially when they are in possession of the land.

Learned counsel for the respondent, however, contends that in the revenue record, the Gram Panchayat is the owner of the land which is intended to be used for construction of a *Chopal* for *Gadaria* and *Prajapat* communities.

Heard.

It is manifest from the material on record that in terms of the revenue record, Gram Panchayat is the owner of the property. As per *Jamabandi* for the year 2014-15, the property has been described as *Gair*

Panchayat. The land in dispute is sought to be used by the Gram Panchayat for the benefit of the general public by constructing a *chopal*.

The trial Court while declining the application of the petitioner for injunction has observed that in the event of the petitioner/plaintiff bringing forth cogent and credible evidence that the land in dispute is not in the ownership of the Gram Panchayat, he would be entitled to prefer another application seeking injunction. The petitioner has not brought forth any record either before the Courts below or before this Court, which would indicate that the petitioner is in ownership and possession of the land. For an injunction to be granted, three prerequisites have to be satisfied:-

- i.* *prima facie* case;
- ii.* balance of convenience; and
- iii.* in the event of the injunction being declined, irreparable loss would be caused to the party which has sought injunction.

In the wake of the aforementioned facts and circumstances of the case, the petitioner has not been able to make out a *prima facie* case in his favour for the grant of injunction. The ownership, as per *jamabandi* for the year 2014-15, vests with the Gram Panchayat.

Therefore, I do not find any illegality in the orders of the Courts below declining injunction to the petitioner. The petition stands dismissed.

At this juncture, learned counsel for the petitioner contends that the trial Court may be directed to expedite the trial as the respondent is intentionally delaying the conclusion of the trial as they had sought repeated adjournments for leading their defence evidence.

Learned counsel for the respondent states that every effort shall be made to examine the remaining witnesses expeditiously.

In view of the limited prayer of learned counsel for the petitioner, the trial Court is directed to conclude the trial expeditiously preferably within six months from now.

It is, however, clarified that nothing which is observed hereinbefore, would have any bearing on the merits of the controversy which would be adjudicated in accordance with law on the basis of evidence led by the parties.

(ANUPINDER SINGH GREWAL)
JUDGE

February 12, 2020
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No