

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.2046 of 2020

Date of Decision: July 16, 2020

Nahar Singh

...Petitioner

Versus

Gram Panchayat Village Ghanauri Kalan & others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Goyal, Advocate,
for the petitioner.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this revision under Articles 226/227 Constitution of India for issuance of directions to the trial Court to decide his application under Order 39 Rule 1 & 2 Civil Procedure Code filed in civil suit titled Nahar Singh Versus Gram Panchayat.

Learned counsel contends that the eviction order dated 30.07.2007 (Annexure P-1) passed against him by the District Development and Panchayat Officer exercising the powers of Collector District Sangrur in a petition filed by the Gram Panchayat under Section 7 Punjab Village Common Land (Regulations) Act, 1961, has been challenged by petitioner in civil suit for declaration before the Additional Civil Judge (Senior Division), Dhuri and the same is pending. He submits that the application for grant of ad-interim stay filed along with the suit is also pending. It is pointed out that the suit was initially filed immediately after the eviction order, however, the said suit was withdrawn with liberty to file a fresh one,

which was filed again in the year 2018. It is also pointed out that the pleadings of the parties in the suit are complete, but the application for ad-interim injunction has not been decided till date by the trial Court.

During the course of hearing, it is conceded by the learned counsel that another application filed by petitioner for deciding the application under Order 39 Rule 1 & 2 CPC is coming up for hearing before the trial Court tomorrow.

Since the issue raised in the petition is already pending before the civil Court, therefore, this Court is not inclined to entertain the petition at this stage.

The petition is dismissed.

July 16, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No