

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

RSA-890-2020 (O&M)

Date of decision: 29.10.2022

Zile Singh

.....Appellant.

Versus

Gram Panchayat Village Mandikhurd

Safidon and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr. Pankaj Bali, Advocate, for the appellant.

HARKESH MANUJA, J. (ORAL)

CM-2889-C-2020

This is an application seeking condonation of 3 days in filing the main appeal.

For the reasons mentioned in the application, which is supported by an affidavit, prayer made in the application is allowed. Delay of 3 days in filing the main appeal is condoned subject to all just exceptions.

RSA-890-2020

By way of present appeal, challenge has been made to the judgment and decree dated 10.04.2015 passed by the Court of Civil Judge (Junior Division), Safidon, upheld vide judgment and decree dated 14.10.2019 passed by the Additional District Judge, Jind.

Facts leading to the present appeal are that a suit for declaration was filed at the instance of appellant-plaintiff, claiming ownership over the suit property situated in the revenue estate of village Mandikhurd, Tehsil Safedon, District Jind, as well as challenging the entries made in the jamabandi as regards the column of ownership being illegal. The trial Court vide judgment and decree dated 10.04.2015 dismissed the suit primarily on the ground that the remedy available to the appellant-plaintiff was under Section 13-A of the Punjab Village Common Land (Regulation) Act 1961 as the Civil Court jurisdiction was expressly barred. The aforesaid finding recorded by the trial Court was affirmed by the First Appellate Court vide its judgment and decree dated 14.10.2019.

After having argued for some time, learned counsel for the appellant wishes to withdraw the present appeal with liberty to avail his remedy under the provisions of Section 13-A of the Punjab Village Common Land (Regulation) Act 1961.

At this stage, present petition is dismissed as not pressed with the aforesaid liberty to the appellant-plaintiff.

Pending miscellaneous application, if any, also stands disposed off.

29.10.2022

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(HARKESH MANUJA)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No