

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

214

CR-3292-2021

Date of Order: 08.02.2022

GRAM PANCHAYAT VILLAGE GALWATI

..Petitioner

Versus

BALBIR SINGH AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vijay Sharma, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The Gram Panchayat of Village Galwati, Tehsil Nabha, District Patiala assails the correctness of order dated 24.03.2021 as well as 26.11.2021. By these orders, learned Additional Civil Judge, Senior Division, Nabha, has dismissed the application while rejecting the prayer of the petitioner for permission to lead additional evidence.

Some facts are required to be noticed.

The plaintiffs (respondents herein) filed a suit for grant of decree of permanent injunction restraining the defendants from forcibly interfering in their peaceful possession and also from dispossessing the plaintiffs. The Gram Panchayat is defendant No.1 in the suit. The Gram Panchayat filed a written statement to the effect that they will take possession in accordance with the law. The Gram Panchayat, thereafter, initiated proceedings seeking eviction of the plaintiffs by filing a petition under the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (hereinafter referred to as the 1973 Act). The Gram Panchayat is managed by elected representatives. In January, 2019, new elected representatives took over the management of the Gram

Panchayat. The Gram Panchayat is a public body. The evidence of the Gram Panchayat was closed in the civil suit on 14.02.2019. On the next day i.e. 15.02.2019, the plaintiffs were ordered to be evicted by the Collector in the exercise of powers under the 1973 Act. It is the case of the Gram Panchayat that in execution of the aforesaid order, the possession of the suit land has been taken from the plaintiffs and the suit property has been leased out, again.

The Gram Panchayat has sought to produce and prove the following documents in additional evidence:-

- “i. Order dated 15.02.2019 Collector (Panchayat Land) DDPO Patiala in file No.494 P.P. Act instituted on 21.08.2017.*
- ii. Warrant of possession dated 1.4.2019 issued by Collector (Panchayat Land) DDPO Patiala.*
- iii. Kabza Karwai dated 28.05.2019.*
- iv. Resolution dated 28.05.2019 passed by Gram Panchayat Galwati.*
- v. Resolution dated 31.05.2019 passed by Gram Panchayat Galwati.*
- vi. Copy of proceedings dated 31.05.2019 in register of lease of Gram Panchayat Galwati.*
- vii. Receipt dated 04.06.2019 of lease money issued by Gram Panchayat Galwati.*
- viii. Copy of proceedings dated 20.05.2020 in register of lease by Gram Panchayat Galwati.*
- ix. Receipt dated 22.05.2020 of lease money issued by Gram Panchayat Galwati.*
- x. Copy of proceedings dated 19.05.2021 in register of lease by Gram Panchayat Galwati.*
- xi. Receipt dated 25.05.2021 of lease money issued by Gram Panchayat Galwati.*
- xii. Copy of khasra Girdawari for the year 2019 to 2020.”*

The Gram Panchayat first, filed an application to lead in additional evidence, the order of eviction passed under the 1973. The application was dismissed on 24.03.2021, on the ground that the Gram Panchayat has already been granted a number of opportunities. Thereafter, another application was filed for permission to lead additional evidence referred to above, which was again dismissed on 26.11.2021, by the Court on the ground that previous application has been dismissed.

From the facts of the case, it is evident that the trial Court has taken a very narrow view of the matter. Under Section 151 CPC, the Court has the inherent powers to pass any order in the interest of justice. Although, the specific provision to lead additional evidence under Order 18 Rule 17A has been deleted, however, the inherent powers fundamentally, exist in a Court to impart justice. Securing justice is the chief/cardinal duty of the Courts.

In the present case, the order of eviction has been passed after the evidence of the Gram Panchayat was closed. In such circumstances, particularly when the documents sought to be produced in additional evidence goes to the root of the matter, the Court should have been more pragmatic and magnanimous particularly when the dispute is with regard to the public property.

Keeping in view the aforesaid facts, the orders dated 24.03.2021 and 26.11.2021, are set aside.

The second application dated 29.09.2021, filed for permission to lead additional evidence is allowed. The Court will permit the Gram Panchayat to produce and prove these documents.

With these observation, the present petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

February 08th, 2022

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Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No

(ANIL KSHETARPAL)
JUDGE