

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 1256 of 2018****Date of Decision: 16.08.2023**

Vikas Committee, Mohalla Sham Nagar, Phagwara, District Kapurthala

... Petitioner(s)

Versus

Jagdish Kaur and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. C.L.Verma, Advocate
for the petitioner(s).Mr. Sunil Garg, Advocate
for the respondent No.1 and 3.**Anil Kshetarpal, J.**

1. A suit filed by the plaintiffs under Section 6 of the Specific Relief Act, 1963 (hereinafter referred to as “the 1963 Act”) for restoration of the possession, has been dismissed by the trial Court with the observation that the plaintiffs have a remedy to file a regular suit for possession. The trial Court held that the plaintiffs have failed to prove that they, through the government dispensary, were in possession of the property.

2. A suit under Section 6 of the 1963 Act is based upon a previous possession and forcible dispossession at the hands of the defendants, within a period of six months. This summary remedy is available to the plaintiffs. The trial Court has already observed that the plaintiffs can file a regular suit as they have failed to prove their forcible dispossession. In the facts of the case, the plaintiffs, if so advised, may file a regular suit.

3. Keeping in view the aforesaid facts, no ground is made out to interfere. Consequently, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

August 16, 2023
“DK”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No