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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR-3699-2023 (O&M)
Decided on : 14.12.2023

Inder Singh Chauhan and others

. . . Petitioner(s)

Versus

Gram Panchayat and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Harpreet Singh Kasan, Advocate
for the petitioner(s).

Mr. L.K. Gollen, Advocate
for respondent No.1.

Mr. Yuvraj Shandilya, AAG, Haryana
for respondent No.2.

SANJAY VASHISTH, J. (Oral)

1. Order dated 03.07.2023, says as under:-

*“Present: Mr. Hardeep Singh Kasan, Advocate
for the petitioner(s).*

1. *Present revision petition has been preferred by the petitioners under Article 227 of the Constitution of India, for setting aside the impugned order dated 05.06.2023 (P-3), passed in Civil Suit No. 160 of 2023, by the Court of Civil Judge (Jr. Divn.), Bawal, whereby, the injunction application filed under Order 39 Rule 1 & 2 of CPC, by the petitioners, has been dismissed. Besides this, petitioners have also prayed for setting aside of order dated 23.06.2023 (P-4), passed by Ld. Addl. District Judge, Rewari.*

2. *Counsel for the petitioners submits that in fact, resolution passed by the Panchayat in the year 2016, was in regard to the construction of Panchayat Ghar, but without specifying any particular khasra number. Thus, the approval*

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granted by the Government in regard to the construction of Panchayat Ghar, cannot be construed as permission to construct the said Panchayat Ghar over Khasra No.158/6.

3. *Notice of motion for 28.07.2023.”*

2. Thereafter, for one reason or the other, present revision petition kept on adjourning, and on 22.11.2023, following order was passed:-

*“Present: Mr. Harpreet Singh Kasan, Advocate,
for for appellants.
Mr. L.K.Gollen, Advocate,
for respondent no.1.
Mr. Yuvraj Shandilya, AAG, Haryana
for respondent no.2.*

Parties are ad idem to the suggestion that the present petition would not be pressed, in case, a time bound direction to conclude the trial is recorded by this Court.

Adjourned to 14.12.2023.

In the meanwhile, all the parties would file their affidavits regarding the opportunities required for leading evidence.

Interim order to continue.

To be shown in the urgent list.”

3. Today, in compliance to the order dated 22.11.2023, one affidavit dated 14.12.2023 of the Inder Singh Chauhan, petitioner (plaintiff), has been submitted in Court, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Paragraph No.3 of the said affidavit says as under:-

“3. That the deponent and the other petitioners of this revision petition are plaintiffs in the Civil suit bearing no.160 of 203 pending before the Civil Judge (Junior Division), Bawal and they would conclude the entire plaintiff's evidence only in three effective opportunities. The deponent or the other

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plaintiffs would not also move any unnecessary application to delay the trial rather they would try their best to conclude the trial of the suit at earliest. However, the deponent humbly prayed that till the final conclusion of the trial of the Civil Suit both the parties may kindly be directed to maintain status quo regarding construction on the suit land, in the interest of the justice.”

4. Broadly speaking, petitioner (plaintiff) prayed for granting of three effective opportunities to conclude the plaintiff’s evidence, and assured that he would not move any frivolous application to delay the trial.

5. Besides, there is another affidavit dated 07.12.2023 of one Mukesh Kumar s/o Dayal Singh, Sarpanch, Gram Panchayat of Village Jai Singhpur Khera, District Rewari – respondent No.1 (defendant No.1), and para No.2 of the said affidavit says as under:-

*“2. That in compliance of the aforesaid order, deponent submits that **2 effective opportunities** would be just and appropriate for the deponent/defendant no.1 for leading the evidence in their favour.”*

6. On the other hand, learned State counsel appearing for respondent No.2 (defendant No.2), though has not filed any affidavit, but on instructions from Ms. Kavita, BDPO, Bawal, Rewari (respondent No.2 herein), took the same stand before this Court, as is of respondent No.1 – Gram Panchayat.

7. Taking note of the undertakings given before this Court by way of respective affidavits, and the statements made at the bar, present revision petition is disposed of with a direction to the learned trial Court to decide the suit finally within a period of one year by granting adequate/effective opportunities to the parties, which they are seeking at present by way of the

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affidavits and the statement.

Although, petitioner (plaintiff) has prayed for three effective opportunities, but said opportunities can be extended upto four also. However, it would be ensured by the trial Court that proceedings are not getting delayed in any situation.

On the other hand, respondents (defendants) would also be granted equal number of opportunities for completing their entire evidence (documentary or oral).

8. With the aforementioned observations and directions, present revision petition is **disposed of**.

Needless to say that if any construction is raised during the pendency of the suit proceedings, by any of the parties, same would be subject to final judgment & decree passed by the Court.

(SANJAY VASHISTH)
JUDGE

December 14, 2023

J.Ram

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