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

CR-3767-2022 (O&amp;M)

Date of decision: April 26, 2023

Partap Singh

....Petitioner

versus

Manjit Singh and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA****Present:-** Mr. A.P. Singh, Advocate for petitioner.

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**ARUN MONGA, J. (ORAL)**

Petition herein is for setting aside impugned order dated 22.07.2022 passed by learned Civil Judge (Junior Division), Patiala whereby, application of petitioner-plaintiff No.1 seeking demarcation of suit property, was dismissed.

2. The revision petition is premised on the averments that petitioner-plaintiff No.1 along with other plaintiffs filed suit against respondent No.1-defendant seeking permanent injunction restraining him, his family members, agents, servants and employees etc. from interfering in peaceful possession of disputed land and constructing building/ house in the suit property. Petitioner-plaintiff moved an application for directing revenue officials to demarcate suit property. Vide impugned order dated 22.07.2022, learned trial Court rejected the said application.

3. I have heard learned counsel for petitioner and perused the case file.

4. Impugned order dated 22.07.202 passed by learned Civil Judge (Junior Division), Patiala, is premised, *inter alia*, on the following reasoning:

“3. I have heard the arguments put forth by Ld Counsel for both the parties and have carefully gone through the case file. It is argued by Ld. Counsel for the plaintiffs that plaintiffs want to demarcate the suit land demarcated from revenue official to bring true facts before the court. Perusal of case file further reveals that present suit has been filed by the plaintiffs seeking permanent injunction restraining the defendants from interfering in possession and from making any construction of building/house in the suit land bearing Khewat No 1407/2620, Khasra no 5682/2486/1101/2(6-5), Khasra no. 2493/1101/1(0-14) situated near Bishan Nagar, Ram Nagar, Patiala. It has been pleaded in the plaint that defendant alleges himself to have purchased the suit land and is trying to make construction of building

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*and is also trying to take forcible possession of suit land. Therefore, in view of pleadings of the plaint, contention of Ld. Counsel for the plaintiffs that demarcation of suit property is required is clearly without any merit as nothing has been mentioned in the application as to how the demarcation of suit property will be helpful & is necessary and further as per pleadings, there is no dispute regarding the demarcation of property between the parties. Moreover, defendant has claimed his ownership and possession over Khewat no/ Khatouni No. 2016/3248, Khasra no. 3882/2489/1101/1(0-10) and Khewat no./Khatouni No. 2017/3249, Khasra no. 3882/2489/1101/2(0-10) situated at Bishan Nagar which are infact different khasra number from the suit land. It is also not the contention of Ld Counsel for the plaintiffs that defendants are owner of adjoining property to the suit land and there is some dispute of boundaries between them. Perusal of case file reveals that vide order dated 22.07.2019 and 19.09.2019 passed by Hon'ble Punjab and Haryana High Court in CR no 4529 of 2019 titled as Partap Singh Versus Manjit Singh and Others, trial court was directed to provide one effective opportunity to the plaintiff-petitioner to conclude his evidence by examining three witnesses as per application subject to costs of Rs. 5,000/- to be deposited in the District Legal Services Authority, Patiala. Both the witness as per list have been examined and only cross examination of PW-5 Indresh Khanna, Draftman is pending and it appears that present application has been filed at this belated stage to delay the proceedings and nothing barred the plaintiffs till date to place on record any such demarcation report from the concerned revenue authorities. Hence, present application being devoid of merits is hereby dismissed. The observations made in this order shall not have any effect on the merits of the case."*

7. Having heard the arguments of learned counsel for petitioner, there is no room for interference in the aforesaid valid reasons recorded by learned Court below.
8. No material irregularity in law or procedure has been committed by learned Court below, so as to exercise extraordinary revisional jurisdiction herein.
9. Dismissed.
10. Pending application(s), if any, shall also stand disposed of.

**(ARUN MONGA)**  
**JUDGE**

**April 26, 2023**

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No