

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.3933 of 2022 (O&M)

Date of Order:04.01.2024

Satbir and others

.Petitioners

Versus

Gram Panchayat Village Ahirka and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sube K. Kaushik, Advocate
for the petitioners.

Mr. Amit K. Jain, Advocate
for respondent no.2 to 7.

ANIL KSHETARPAL, J

1. The plaintiffs assail the correctness of the order passed by the Additional District Judge on 17.08.2022 while permitting the defendants no.2 to 7 to repair the existing “Chaupal” (a common place for holding meetings, gatherings and social functions). While deciding the application under Order XXXIX Rule 1 & 2 CPC, the trial court did not find any *prima-facie* case in favour of the plaintiffs however, it directed the parties to maintain status-quo. The first appellate court, as already noticed, permitted the defendants no.2 to 7 to repair the existing “Chaupal” which was in a dilapidated condition. It is alleged that the aforesaid “Chaupal” has been constructed for residents of the village belonging to the Scheduled Castes. The defendants no.2 to 7 claim that the aforesaid “Chaupal” has been constructed after collecting funds in the year 1968. The defendants no.2 to 7 have also filed a counter claim.

2. This Bench has heard the learned counsel representing the

parties at length and with their able assistance perused the paper book.

3. The learned counsel representing the petitioners submits that the suit filed by the plaintiffs shall become infructuous if defendants no.2 to 7 are permitted to carry out repair. He submits that the plaintiffs claim ownership over the disputed area.

4. This court has considered the submissions of the learned counsel representing the parties.

5. The existence of “Chaupal” and its dilapidated condition is not in dispute between the parties. Existence of such place in villages is important for the community gatherings. If the aforesaid “Chaupal” is permitted to be repaired the plaintiffs shall not suffer any irreparable loss and injury. If, ultimately the plaintiffs' suit is decreed, they will be entitled to the property as it exists with all improvements carried out.

6. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

7. Dismissed.

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

January 04, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO