



132 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-RS-11-2025 (O&M) in
RSA-999-1993
Date of decision : 06.03.2025

Dharam Singh (Deceased) through
legal representatives and others

...Applicants/Appellants

Vs.

Jagat Singh (Deceased) through
legal representatives and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjay Kaushal, Sr. Advocate with
Mr. A.P. Setia, Advocate
Mr. Arjun Kaushal, Advocate
for the applicants/appellants.

Mr. Ashish Gupta, Advocate
for the non-applicant/respondent.

ANIL KSHETARPAL, J. (Oral)

1. This review application has been filed by the defendant. The plaintiffs' suit for grant of permanent injunction was partly decreed.

2. While disposing of the defendant's appeal this Court has found that the Hon'ble Supreme Court by an elaborate judgment passed in 'Nagar Palika, Jind vs. Jagat Singh, Advocate' (1995) 3 SCC 426 (Civil Appeal No. 290 of 1990, decided on 23.03.1995), held that the suit property is, in fact, a 'Gair Mumkin Pond' which is a public property. The Supreme Court further held that Jagat Singh, who had come to the Court seeking injunction on the basis of ownership but failed to prove the ownership, could not be granted

injunction. In those circumstances, this Court directed the Chief Secretary,



Haryana to initiate action and take over possession of the property.

3. Learned counsel representing the applicants/appellants submits that the defendant was declared owner in the previous round of litigation.
4. This Court has considered the submissions made by the learned counsel representing the parties.
5. In this round, Jagat Singh filed a suit for injunction. Both the Courts found that Jagat Singh continues to be in possession, hence a limited injunction from forcible dispossession was granted.
6. This Court has only ordered taking over the possession from Jagat Singh in accordance with the observation made by the Supreme Court.
7. Hence, no ground to review the order passed on 28.01.2025 is made out.
8. The review application is dismissed.

06.03.2025
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(ANIL KSHETARPAL)
JUDGE

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