

In the High Court of Punjab and Haryana, at Chandigarh

1. Regular Second Appeal No. 2967 of 2015 (O&M)

Kashmir Singh
... Appellant(s)

Versus

Ramender Nath Sharma and Others
... Respondent(s)

2. Regular Second Appeal No. 2737 of 2015 (O&M)

Kashmir Singh
... Appellant(s)

Versus

Raj Kumar and Others
... Respondent(s)

3. Regular Second Appeal No. 2792 of 2015 (O&M)

Kashmir Singh
... Appellant(s)

Versus

Dharam Pal (Since Deceased) through his Legal Representatives and Others
... Respondent(s)

4. Regular Second Appeal No. 2793 of 2015 (O&M)

Radhey Shyam
... Appellant(s)

Versus

Raminder Nath Sharma and Others
... Respondent(s)

5. Regular Second Appeal No. 2968 of 2015 (O&M)

Kashmir Singh
... Appellant(s)

Versus

Rakesh Kumar and Another
... Respondent(s)

6. Regular Second Appeal No. 3594 of 2015 (O&M)

Kashmir Singh
... Appellant(s)

Versus

Naranjan Singh and Others
... Respondent(s)

7. Civil Original Contempt Petition No. 145 of 2016

Kashmir Singh
... Petitioner(s)

Versus

Jangi Ram and Others
... Respondent(s)

AND

8. Civil Original Contempt Petition No. 2358 of 2021

Balraj
... Appellant(s)

Versus

Kashmir Singh and Others
... Respondent(s)

DATE OF DECISION: 17.01.2025

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vikram Singh Dhakla, Advocate
for the appellant(s).

Mr. Chanderhas Yadav, Advocate
for respondents No. 11, 12, 17, 18, 19, 23 and 24
(In RSA-2967-2015).

Mr. J.S.Cooner, Advocate
for respondents No.1 and 2 (In RSA-2737-2015) and
for respondents No.14, 15, 17, 20, 21, 22, 24, 25 and 26
(In RSA-3594-2015).

Mr. Abhay Chauhan and Mr. J.K. Chauhan, Advocates
for respondents No.1 to 15, 21, 23 to 25, 27 and 28
(In COCP-145-2016).

Anil Kshetarpal, J.

1. A batch of eight cases, consisting of six Regular Second Appeals and two Civil Original Contempt Petitions, has come up for final disposal.

2. The learned counsel representing the appellants (plaintiffs) prays for permission to withdraw the appeal with liberty to file an application for revival, if, ultimately, the suit property is held to be owned by the respondents (defendants).

3. In the six civil suits, the property, which was recorded in the revenue record as *Shamlat Deh Hasab Rasad Arazi Khewat* and was a part of *Gair Mumkin Nadi*, was agreed to be sold by the alleged proprietors. Both the Courts below have held that the *Shamlat Deh* land, which is to be used to for common purpose and was under the river, could not be sold.

4. The learned counsel representing the parties do not dispute that the writ petition arising from the proceedings under Section 13A of the

High Court. The appellants' counsel submits that if the writ petition is allowed and the property is declared to be owned and possessed by the defendants, he will file an application for revival of the appeals. The learned counsel representing the respondents have no objection thereto.

5. The learned counsel representing the applicant in the two contempt petitions i.e. COCP-145-2016 and COCP-2358-2021 has not pressed these petitions.

6. Accordingly, all the Regular Second Appeals as well as the Civil Original Contempt Petitions are disposed of in terms of the observations made above.

7. The miscellaneous application(s) pending, if any, in all the eight cases shall also stand disposed of.

**(Anil Kshetarpal)
Judge**

January 17, 2025

"DK"

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No