



**131 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

ESA-58-2023 (O&M)

Date of decision : 15.05.2025

Gram Panchayat Chabrewal

...Appellant

Vs.

Raghunath and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.K. Brinda, Advocate
for the appellant.

Mr. Ashwani Bakshi, Advocate
for respondent No.1.

Mr. H.R. Bhardwaj, Advocate for
Ms. Ruby Kaur, Advocate
for respondents No. 2 to 5.

ANIL KSHETARPAL, J. (Oral)

1. The Gram Panchayat Chabrewal assails the correctness of concurrent orders passed by the Executing Court which in appeal was affirmed by the First Appellate Court while dismissing its objection petition.
2. It has been specifically observed by both the Courts below that Gram Panchayat is not a party to the decree.
3. The operative part of the judgment passed on 25.08.2012, reads as under:-

"In view of my findings on the aforementioned issues, the suit filed by the plaintiff stands decreed with costs and the defendants are restrained from interfering into possession of the plaintiff over the suit land comprised in



Khasra No. 100//14/1/2/2 min. (1-0) as fully detailed in the head note of the plaint. The plaintiff is also held entitled for possession of the suit land marked by letters ABCDA as shown in site plan, Ex. P-!, encroached upon by the defendants during pendency of the suit as prayed for. However, findings of this judgment shall not have any effect on the rights of Gram Panchayat, which is owner of the suit land. Decree sheet be prepared accordingly.

File be consigned to the record room."

4. It has also been observed that the appellant is entitled to file the eviction petition against the persons who are in possession.

5. Learned counsel representing the appellant submits that the property vests in the Gram Panchayat, hence, the suit filed without impleading the Panchayat as a party, was not maintainable.

6. *Per contra*, learned counsel representing the respondent submits that in fact, now the Panchayat is trying to come to the rescue of the Judgment Debtor. He submits that the Panchayat has already been held entitled to seek eviction.

7. This Court has considered the submissions made by the learned counsel representing the parties.

8. The dispute appears to be of a small plot measuring 01 kanal. The decree-holder claims that he has been dispossessed during the pendency of the suit from some part of the property by the defendants hence resulting in Civil Court's decree. Liberty has already been granted to the Panchayat to seek eviction of the decree-holder. It is clarified that Panchayat is not a party to the suit, hence, the decree is not binding on it.



9. Keeping in view the aforesaid facts, no ground to interfere is made out.
10. Hence, the appeal is dismissed. However, if eviction petition is filed by the Gram Panchayat, the Court will proceed to decide the same uninfluenced by the observations made in the judgment and decree passed by the Civil Court, in which, Panchayat was not a party.
11. All the pending miscellaneous applications, if any, are also disposed of.

15.05.2025
neeraj

(ANIL KSHETARPAL)
JUDGE

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