

(2001) 10 P&H CK 0127
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 5905 of 2001

Ram Kumar

APPELLANT

Vs

Gram Panchayat Kali Rawan

RESPONDENT

Date of Decision : 13-10-2001

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 39 Rule 1, Order 39 Rule 2
Punjab Village Common Lands (Regulation) Act, 1961 — Section 7

Citation : (2001) 10 P&H CK 0127

Hon'ble Judges : Bakhshish Kaur, J

Bench : Single Bench

Advocate : Sumeet Goel, for the Appellant; None, for the Respondent

Final Decision : Dismissed

Judgement

Bakhshish Kaur, J.—Challenge in this revision is to be impugned order passed by the learned Additional Judge, Hissar whereby the Order passed by the trial Court dismissing the application of the plaintiff-petitioner under Order 39 Rules 1 and 2 of the CPC (in short "the Code") was upheld.

2. I have heard Shri Sumeet Goel, learned counsel for the petitioner. This revision petition can be disposed of without issuing notice of motion to the other side.

3. The petitioner, no doubt, is asserting his possession over the land in dispute, therefore, he filed a suit for permanent injunction. Along with the suit an application under Order 39, Rules 1 and 2 was also filed which was dismissed by the trial Court. On appeal, the order was upheld by the learned Additional District Judge. Hence the revision.

4. Whether the petitioner can be allowed to remain in possession for an indefinite period of time, particularly when the order of ejectment has been passed against the petitioner u/s 1 of the Village Common Lands Act by the competent authority? Where an ejectment order has been passed by the competent

authority and the possession is being taken in accordance with law, the petitioner cannot be said to have a prima facie in his favour. It is well settled that when there is concurrent finding arrived at by the courts below, the High Court should not interfere unless the jurisdiction vested in the court has been exercised illegally or with material irregularity. In this regard reliance is placed on The Managing Director (MIG) Hindustan Aeronautics Ltd. and Another, Balanagar Vs. Ajit Prasad Tarway, and The Municipal Corporation of Delhi Vs. Shri Suresh Chandra Jaipuria and Another, .

In view of the aforesaid, no case is made out for interference with the impugned order.