

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****RSA-3533-1997 (O&M)****Date of Decision : 25.07.2025**

Labh Singh

....Appellant

VERSUS

Ajmer Singh (deceased) through LRs

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Harveen Kaur, Advocate for the appellant.

Mr. V.K. Sandhir, Advocate
for the Gram Panchayat Block Sirhind.

Mr. Iqbaljit Singh Kingra, Sr. DAG Punjab.

None for the plaintiff-respondent

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the defendant-appellant challenging the judgment and decree dated 21.12.1995 passed by the Trial Court and the judgment and decree dated 12.06.1997 passed by the First Appellate Court.

2. The brief facts relevant to the present *lis* are that the plaintiff-respondent herein filed a suit for permanent injunction for restraining the defendant-appellant herein from interfering in his peaceful possession of land bearing Khewat/Khatauni No.158/267 Khasra No.199 min. (1-0) which is reflected as *gair mumkin abadi* and situated in village Naulakha, Tehsil and District Fatehgarh Sahib on the ground that he has been in possession of

the suit property for the last 25 years which he was using as his courtyard. He further claimed that he had constructed a bathroom and installed a handpump and had also planted 10 *Safeda* trees, 04 *Kikar* trees and 04 *Shahtoot* trees, which were all aged about 10 years.

3. The defendant-appellant filed his written statement denying that the plaintiff-respondent was in possession of the suit property as alleged. According to the defendant-appellant, he was in possession of the suit property.

4. From the pleadings of the parties, the following issues were framed :

1. Whether the plaintiff is in possession of the property in dispute ? OPP
2. Whether the plaintiff is entitled to the injunction prayed for ? OPP
3. Relief.

5. Though admittedly the Gram Panchayat was the owner of the suit land, however, the Gram Panchayat was not impleaded as a party. Before this Court vide order dated 12.08.2024 the learned State counsel was directed to seek instructions from the Gram Panchayat. On 01.10.2024 Mr. V.K. Sandhir, Advocate put in appearance on behalf of the Gram Panchayat, Block Sirhind.

6. The Trial Court vide judgment and decree dated 21.12.1995 decreed the suit. Aggrieved by the same an appeal was preferred by the defendant-appellant which appeal was dismissed vide judgment and decree

dated 12.06.1997 passed by the First Appellate Court. Hence, the present regular second appeal.

7. Learned counsel for the defendant-appellant would contend that the defendant-appellant is in possession of the suit property and that both the Courts have erred in holding that the plaintiff-respondent was in possession of the suit property. Before this Court the legal representatives of the plaintiff-respondent had filed application (CM-3636-C-2006) for being impleaded as a party, which was allowed vide order dated 04.05.2006. However, thereafter none has put in appearance on their behalf. They are accordingly proceeded against *ex parte*.

8. Learned counsel for the Gram Panchayat has pointed out that the Gram Panchayat is the true owner of the suit property and is unable to proceed under Section 7 of the Punjab Village Common Land Act, 1961 in view of the *status quo qua* possession, which has been granted by this Court.

9. Heard.

10. In the present case both the Courts concurrently found that the plaintiff-respondent was in possession of the disputed property on the basis of *Jamabandi* (Ex.P1) for the year 1988-1989, which shows the plaintiff-respondent Ajmer Singh in possession of the disputed *khasra* number in column No.5. Even in the *Khasra Girdawari* (Ex.P2) for the year 1989-1994, the plaintiff-respondent was shown in possession of the suit property. No evidence was led by the defendant-appellant to even remotely suggest that he was in possession of the suit property. Since the suit was only for permanent injunction and only possession of the parties is to be seen, on the

basis of Ex.P1 and Ex.P2, no fault can be found with the judgments and decrees passed by both the Courts. However, as held by both the Courts that the plaintiff-respondent can always be evicted in accordance with law, the Gram Panchayat, which is the true owner, would accordingly be at liberty to proceed in accordance with law to get possession of the suit property.

11. Disposed off in the above terms. Pending applications, if any, also stand disposed off.

25.07.2025

jk

**(ALKA SARIN)
JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO