

Gram Panchayat Vs. Narinder Kumar

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Court : Punjab and Haryana

Decided On : Jan-14-1998

Reported in : (1998)120PLR325

Judge : Sat Pal, J.

Acts : [Code of Civil Procedure \(CPC\),1908](#) - Order 41, Rule 1

Appeal No. : Civil Revision No. 4160 of 1997

Appellant : Gram Panchayat

Respondent : Narinder Kumar

Advocate for Def. : Bhag Singh, Adv.

Advocate for Pet/Ap. : S.S. Dinarpur, Adv.

Disposition : Petition accepted

Judgement :

ORDER

Sat Pal, J.

1. This petition has been directed against order dated 12.8.1997 passed by the District Judge, Ambala. By this order, the learned District Judge has set aside the order dated 24.2.1997 passed by the learned trial Court and has restrained the

petitioner Gram Panchayat from interfering in the possession of the plaintiff over the property marked by letters ABCDEF as shown in red colour in the site plan attached with the plaint.

2. Mr. Dinarpur, the learned counsel appearing on behalf of the petitioner submits that the learned lower Appellate Court has not given any reason for setting aside the well reasoned order passed by the learned trial Court. He submits that the learned lower Appellate Court could interfere in the order passed by the learned trial Court only if the lower Appellate Court had come to the conclusion that the learned trial Court had acted arbitrarily or perversely or capriciously or in disregard of sound legal principles or without considering all relevant records. In support of his submission, the learned counsel has placed reliance on two judgments of this Court in *Guru Nanak Educational Trust (Regd.) v. Balbir Singh*, (1995-2) 110 P.L.R. 625 and *Maman Chand v. Smt. Kamla*, 1995 P.L.J. 508.

3. Mr. Bhag Singh, the learned counsel appearing on behalf of the respondents could not satisfy me as admittedly the learned lower Appellate Court has not given any valid reason for setting aside the order passed by the learned trial Court. In view of these facts I am of the opinion that the Impugned order dated 12.8.1997 cannot be sustained. Accordingly the petition is allowed and the impugned order dated 12.8.1997 is set aside and the matter is remanded to learned District Judge, Ambala to pass a reasoned order after hearing both the parties and keeping in view the law laid down by this Court in the judgments of *Guru Nanak's* case and *Maman Chand's* case (*supra*); Parties are, however, left to bear their own costs. The parties are directed to appear before the learned District Judge on 27.1.1998.