
Gaon Sabha Karawal Nagar Vs Shri Mangal Sain

Cont.Cas(C) 605 of 2013

Court: DELHI HIGH COURT

Date of Decision: Oct. 27, 2016

Citation: (2016) 234 DLT 522

Hon'ble Judges: Mr. Manmohan, J.

Bench: Single Bench

Advocate: Mr. P.P. Malhotra, Senior Advocate with Ms. Protima Parihar, Advocate, for the Revisionist; Mr. Satyakam, ASC with Mr. P.K. Jayanat, BDO, NE, Delhi, for the GNCTD

Final Decision: Disposed Off

Judgement

Manmohan, J. (Oral)â€”C.M.No. 37992/2016.

Exemption allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

Review Petition No. 467/2016 & C.M.No. 37991/2016

1. Present review petition has been filed by Sh. Mangal Sain, Mr. Jagat Sain and Mr. Brahm Sain, who claim themselves to be the co-owners of

late Sh.Ghasi Ram on the ground that by virtue of the order dated 1st September, 2016, the possession of land in question could not have been

handed over to the petitioner contrary to the status quo order dated 22nd August, 2012 passed in CS(OS) No.816/2002, wherein the possession

of the applicants was recognised.

2. It is pertinent to mention that present contempt petition had been filed by the petitioner alleging that the status quo order had been violated by

the present applicants as they had started cultivating the land and had also carried out construction.

3. Since during the arguments on 1st September, 2016 it transpired that a third party had filed a separate civil suit being CS(OS) No.461/2016

with regard to the land in question and the said third party was cultivating the land, this Court directed the petitioner-Gaon Sabha to construct a six

feet wall around the property in question so that the same is not encroached upon by anyone.

4. During the hearing of present review petition, the applicants were directed to place on record the plaint as well as the orders passed in CS(OS)

No.461/2016, which was initially numbered as CS(OS) No.1099/2015 and filed in this Court.

5. A perusal of the plaint and orders passed in CS(OS) No.1099/2015 (now numbered as CS(OS) No.461/2016) reveals that the said suit has

been filed by the legal heirs of the eldest brother of the applicants in the present review petition. The plaintiffs in CS(OS) No.1099/2015 also

obtained a status quo order in their favour. However, in their plaint, they neither impleaded the present review petitioners nor disclosed that there

was a status quo order in favour of the review petitioners.

6. From the aforesaid, it is apparent that multiple proceedings have been filed by different parties, who claim themselves to be in exclusive

possession of the land in question. Neither the review petitioners have impleaded the plaintiff of CS(OS) No.1099/2015 (now numbered as

CS(OS) No.461/2016) in the appeal proceedings filed by them nor have the plaintiffs impleaded review petitioners in their suit.

7. Consequently, as to what is the status quo is not clear. However, the property in question in the interregnum has to be protected.

8. Accordingly, this Court is of the view that the protection granted on 1st September, 2016 by constructing a wall is fair, reasonable and property.

9. However, it is clarified that the said order has been passed only to protect the land in question and to ensure that whatever orders are passed by

the appropriate forums are abided by.

10. With the aforesaid clarification, present review petition and the application are disposed of.