

IN THE COURT OF LEARNED DEPUTY COMMISSIONER EXERCISING POWERS
OF COMMISSIONER, SBS NAGAR



REFVENUE APPEAL NO. _____ OF 2010

Ram Asra son of Mela, resident of village Rail, Tehsil
Balachur, Distt.SBS Nagar.

...Appellant

Forest Range Officer. Kathgarh, Tehsil Balachaur, Distt.SBS
Nagar.

.....Respondent

APPEAL AGAINST THE ORDER DATED 5.6.2009 PASSED
BY THE SDM-CUM-COLLECTOR, BALACHAUR.

CLAIM IN APPEAL: To set aside the impugned order under
appeal by accepting the appeal and
for remanding the case to the lower court
for fresh decision according to law.

GROUNDS OF APPEAL:

1- That the impugned order, dated 5.6.2009, passed by the
learned SDM-cum- Collector, Balachaur, whereby an order for
ejectment of the appellant was passed ex parte against the
appellant is absolutely illegal and, thus, is, liable to be
set-aside.

2- That the learned lower court failed to appreciate the
facts of the case in their correct perspective and passed the
impugned order in a most mechanical and haphazard manner.

3- That the appellant was never personally served, nor any
summons were ever tendered to him either through ordinary
process nor through registered post nor the appellant ever
refused to accept service of any summons and the appellant
was proceeded against ex parte without following due procedure
of service and in this manner, the appellant has been totally
condemned unheard without affording him any opportunity
whatsoever, what to talk of affording a reasonable and proper
opportunity and, thus, the impugned order is liable to be set
aside on this short ground.

4- That the learned lower court acted in an undue haste
and did not even feel the necessity of securing the serviced

17/2
mug fee
26/8

13/8

Not to be received
13/8/10

of the appellant, which peaks volumes about the way in which the proceedings were conducted by the learned lower court.

7- That the impugned order is based on sheer conjectures and surmises and it is no order in the eye of law and, thus, deserves to be set aside.

8- That the impugned order was passed exparte art the back of the appellant and the appellant came to know about the same on 30.6.2010 only and immediately the appellant applied for certified copy which was supplied to him on 12.7.10 and, thus, appeal is well within time from the date of gaining knowledge and delivery of certified copy. Anyhow an application under section5 of the Limitation Act, is being filed separately for condonation of delay.

9- It is, therefore ,prayed that the impugned order under appeal may kindly be set aside by accepting the appeal and the case may be remanded back to the learned lower court for fresh decision in accordance with law..

P. K. Dhir
APPELLANT

THROUGH: SH. P. K. Dhir, Advocate, Nawanshahar

DATED: 11.8.10


L. J. I. Ram Alok