

Kanta Devi and others vs. Onkar Singh(deceased) through LRs Shanti Devi and others

RSA No. 256 of 2014.

02.01.2026 Present: Mr. Mukul Sood and Mr. Het Ram, Advocates vice Mr. Sanjeev Sood, Advocate, for the appellants.

Mr.Sanjeev Kuthiala, Senior Advocate with Ms. Sana Rana, Advocate, for respondents No.1 (b) and 1(c).

CMP No. 29731 of 2025.

The present application has been filed by the applicants-respondents for issuance of appropriate orders in the facts and circumstances of the case. It has been averred in the application that the plaintiffs/non-applicants filed a suit for declaration with consequential relief of permanent prohibitory injunction against the defendant late Shri Onkar Singh, the predecessor-in-interest of the applicants. The suit as filed by the non-applicants was ordered to be dismissed by the learned Civil Judge (Junior Division), Court No.II, Amb, District Una, on 27.07.2011.

2. Feeling dis-satisfied, the plaintiffs/non-applicants preferred an appeal in the Court of learned Additional District Judge-II, Una, Camp at Amb and the same was ordered to be dismissed on 13.02.2014.

3. It has been averred in the application that earlier also an application bearing CMP No.3427 of 2015 was filed for the same relief and this Court vide its order dated 16.06.2015 allowed the said application and the present applicants were permitted to cut khair' trees standing on

Khasra Nos.1, 4 and 6 corresponding to new Khasra No.1578/1 after getting sanction from the Divisional Forest Officer, Una. The said application was allowed with the condition that the proceeds from the said trees would be deposited in the Registry of this Court.

4. Under similar circumstances, the present application has been filed on the ground that during ensuing monsoon season in certain portion of the land due to soil erosion, some of the old miscellaneous timber trees had fallen down. Besides this, there are certain dry 'khair' trees. It has been averred that a number of fallen and dry 'khair' trees are totaling 18 and number of miscellaneous trees, which are dried/fallen down, are numbering about 14 and the Lasinia trees which are being fallen/dried standing over the suit land are about 20 in numbers. That the request/intimation was given to the Pradhan of the Gram Panchayat and the copy of the application has been placed on record as Annexure R-1. The applicants have also placed on record the photographs of the trees in order to substantiate their claim.

5. Therefore, under such circumstances, it has been prayed that the interim order dated 04.06.2014 as passed by this Court whereby both the parties were directed to maintain status quo qua nature and possession of the suit land and the predecessor-in-interest of the applicants, late Shri Onkar Singh, was restrained from cutting any tree

standing thereon, may be modified.

6. The aforesaid application has been strongly contested by the non-applicants/appellants by filing a detailed reply and it has been averred that the present application is not maintainable in its present form and the same has been filed just to harass the non-applicants/appellants. It has been averred that infact the trees are not on the land in dispute but on Khasra No.4/1 which belongs to the appellants which is not the subject-matter of the suit property. Further, it has been averred that the said trees are not on Khasra Nos.1, 4 and 6 which is the subject matter of the dispute. It has been reiterated that the applicants/respondents want to cut trees which are standing on the land of the appellants i.e. Khasra No.4/1 and in the garb of modification want to interfere in the possession of the appellants on the property which is not the subject-matter in dispute.

7. I have heard learned counsel for both the parties and have perused the record.

8. In view of the averments as made in the application and the reply filed by the non-applicants and in view of the submissions as made by the learned counsel for the parties, the Divisional Forest Officer (DFO), Amb is directed to visit the suit land in the presence of both the parties and he shall ascertain whether the prayer/averments as made by the applicants are genuine and correct. He shall

ascertain whether over the suit land there are any dry trees and whether those trees require immediate cutting. The DFO, Amb, shall take assistance of the revenue officials in order inspect the suit land so that there is no ambiguity of any kind in the execution of the present order. The DFO, Amb, is further directed to prepare the report with regard to trees which are dry and are standing in a dangerous position. The number of such trees may be specified in the report and it shall also be mentioned in the report by the DFO how many trees of which species require immediate cutting from the suit land, so that, further orders can be passed in this regard. The present order is specifically being passed in order to ascertain whether any of the 'khair' trees or miscellaneous trees would require cutting or not. The DFO is directed to call both the parties on the spot and prepare the report in their presence and thereafter submit the same to this Court within a period of four weeks for passing necessary orders.

9. Copy of this order be sent to the DFO concerned by the Registry of this Court through e-mail and through the office of the learned Advocate General so as to comply with the present order.

List for further orders on **13.03.2026**.

(Romesh Verma)
Judge

2nd January, 2026
(krt)