

**State of H.P. & ors. Vs. Balraj Singh & anr.
a/w connected matter**

**RSA No. 219 of 2023 a/w
RSA No. 75 of 2024**

RSA No. 219 of 2023

23.3.2026

Present: Mr. Rohit Sharma, Dy. A.G., for the appellants.

Mr. Rajat Thakur, Advocate vice Mr. Vikrant Chandel, Advocate, for respondents No. 1 and 2.

RSA No. 75 of 2024

Mr. Sumeet Raj Sharma, Advocate, for the appellant.

Mr. Rajat Thakur, Advocate vice Mr. Vikrant Chandel, Advocate, for respondents No. 1 and 2.

Mr. Rohit Sharma, Dy. A.G., for respondents No. 3 and 4.

CMP No. 24978 of 2024 in RSA No. 219 of 2023

By way of present application, indulgence of this Court has been sought to stay the execution of the decree, dated 31.7.2017, passed by the Court of learned Civil Judge (Junior Division), Court No. III, Mandi, District Mandi, H.P. (hereinafter referred to as 'the trial Court'), in Civil Suit No. 62/17/2010, titled as, 'Balraj Singh & anr. Vs. State of H.P. & others'.

While passing judgment and decree dated 31.7.2017, learned trial Court has granted the following relief:

“In view of my finding on issue Nos. 1 to 10(A) supra, the suit of the plaintiff is decreed. It is declared that revenue entry showing the defendants in the column of possession in jamabandi for the year 2007-2008 Ext. PW1/A is wrong and without any basis, therefore, null and void. Decree for possession is also passed in favour of the plaintiffs over the land comprised in khewat No. 97, Khatauni No. 107, Khasra Nos. 879 and 914, kita-2, measuring 0-8-17 bighas situated in Muhal Ner, Hadbast No. 222, Illaqua Balh, Tehsil Sadar, District Mandi, H.P. The defendants are directed to give the vacant possession of the suit land. In view of the peculiar facts and circumstances of the case, parties are left to bear their own costs. Decree-sheet be drawn accordingly. Case file, complete in all respects, be consigned to record room.”

The said judgment and decree has been assailed by the State unsuccessfully before the learned District Judge, Mandi, H.P. After dismissal of the Civil Appeal No. 03/2023/2017, by the learned District Judge, Mandi, H.P., the State is before this Court, by way of present Regular Second Appeal.

Although, the appeal has not been admitted, yet the same will take sufficient time for its disposal, as such, in order to preserve the subject matter of the lis, execution of the decree, dated 31.7.2017, passed by the learned trial Court in Civil Suit No. 62/17/2010, as referred to above, is ordered to be stayed. The application is, thus, disposed of.

Modification/alteration/vacation, on
motion.

CMP No. 14306 of 2023 in RSA No. 219
of 2023

Pleadings be completed on or before the
next date of hearing.

RSA No. 219 of 2023

For admission/hearing, list after four
weeks.

(Virender Singh)
Judge

March 23, 2026
(kalpana)