

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH**

C.R. No.1070 of 2015

Date of Decision.06.04.2015

Smt. Santosh Sharma and others

.....Petitioners

Versus

Surinder Kumar Sharma and others

.....Respondents

Present: Mr. Arun Jain, Senior Advocate with
Mr. Amit Jain, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. In a suit for partition the plaintiff seeks for declaration that he is entitled to continue himself to be in joint possession and has paid court fee as in joint possession as a heir to his father. A prayer for partition and separate possession can not be construed as though the plaintiff is excluded from possession. Merely because mesne profits are also sought, it ought not to be taken that the defendant's possession is wrongful. This is only for accounting profits for the property possessed by the respondents. I will not find any cause for intervention where the Court fee is paid on the basis of plaintiff's plea of joint possession with defendants.

2. The civil revision is dismissed.

**(K. KANNAN)
JUDGE**

April 06, 2015

Pankaj*