

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 1858 of 2015

Date of Decision: March 23, 2015

Kishan Lal

.....Petitioner

Vs.

Shanti Devi etc.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

-.-

Present:- Mr. Ravi Malhotra, Advocate
for the petitioner.

-.-

M.M.S. BEDI, J. (ORAL)

Without expression of any opinion regarding the maintainability of this revision petition, I am of the opinion that dispute arises out of a matter concerning family where a residential house has been sought to be partitioned/ auctioned on account of the same being not capable of being partitioned by metes and bounds as per the report of Local Commissioner.

According to Order 32 A Rule 3 CPC, in every suit or proceeding relating to matters concerning family, an endeavour shall be made by the Court in the first instance to assist the parties in arriving at a

settlement in respect of the subject matter of the suit. In the present case, no steps seem to have been taken by the trial Court or by the Appellate Court or even by the Executing Court. The provisions of Order 32 A CPC are applicable even in the execution proceedings.

This petition is disposed as not maintainable, at this stage, without entering into the merits of the case with a direction to the Executing Court to make an effort in the exercise of powers under Order 32 A Rule 3 CPC to get the matter amicably resolved as the dispute is amongst brothers and sisters. However, a direction is issued to the Executing Court to comply with the above said directions to make an attempt to assist the parties in arriving at a settlement in respect of the subject matter of the suit before finalizing the auction/ sale proceedings.

March 23, 2015
sanjay

(M.M.S.BEDI)
JUDGE