

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

CR No. 3761 of 2014 (O&M)

Date of decision: 30/07/2015

Rajmeet Kaur

... Petitioner

versus

Baldev Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. O.P. Sharma, Advocate for the petitioner.
Mr. A.K. Walia, Advocate,
for respondent Nos.1, 2, 3, 8, 9, 11 and 12.
Mr.D.K. Bhatti, Advocate for respondent No.6.

K.Kannan, J.

The petitioner has a grievance that he is only asking for joint possession and he need not be called upon to pay ad valorem Court fee. The persons who are resisting the action are the purchasers from one of the co-owner. While the petitioner may treat himself as in joint possession with co-owners, if the property has been sold to the 3rd party stranger, the plaintiff may either file a suit for recovery of whole of the property forcing a stranger to file a suit for partition; or his right of joint possession would be only symbolic. I clarify that the petitioner will not be able to seek for any recovery of possession or disturbing the possession of purchasers. With this clarification, the order passed already is set aside

and the Court fee paid is taken as correct.

The civil revision petition is allowed with above observations.

(K.KANNAN)
JUDGE

30.07.2015

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