

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

C.R. No.4585 of 2015

Date of Decision.23.07.2015

Diwan Chand Dhaura

.....Petitioner

Versus

Parkash Chand and another

.....Respondents

2. C.R. No.4586 of 2015

Diwan Chand Dhaura

.....Petitioner

Versus

Kanta Devi and others

.....Respondents

Present: Mr. RPS Ahluwalia, Advocate
for the petitioner.

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. The revision petition in C.R. No.4585 of 2015 is vexatious, for, the plaintiff cannot suffer for not entertaining a petition filed by the defendant seeking for preliminary decree. If the defendant has not been able to obtain the decree, he will come by means of an appeal or revision in the manner it is contemplated under law.

2. The revision petition is dismissed. The Court can always pass a final decree in the manner sought for by the plaintiff.

3. As regards the revision petition in C.R. No.4586 of 2015, a third party who caused an objection to be filed for passing of final decree in suit for partition was not allowed to have the decree amended

for a preliminary decree to be granted in her favour. Hence, the person has filed an independent suit. The institution of suit is sought to be challenged before this Court. There can be no objection to the filing of the suit, for, an access to justice is an important constitutional right. The right will be canvassed by the person in the manner it is possible and I will cause no interference through an order in revision petition.

4. The revision petition in C.R. No.4586 of 2015 is also dismissed.

(K. KANNAN)
JUDGE

July 23, 2015
Pankaj*