

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-488-2015

Date of decision: 21.1.2015

Anu Jolly

..... Petitioner

Versus

Jatinder Kapoor and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the 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?*

PRESENT: Ms. Harpriya Khaneka, Advocate for the petitioner.

R.P. NAGRATH, J. (ORAL)

The petitioner has invoked revisional jurisdiction of this Court under Article 227 of the Constitution of India, seeking to set aside the order dated 11.9.2014 (Annexure P-1), passed by the learned Civil Judge (Junior Division), Dera Bassi, whereby the application dated 22.4.2014 (Annexure P-4) under Order VII Rule 11, was rejected.

The property in question was in the ownership of the mother of petitioner and plaintiff-respondent No. 1. Mother of the parties died on 28.4.2013. Plaintiff-respondent No. 1 filed the suit for permanent injunction as well as separate possession by partition of the house left by their mother.

If that be the version pleaded by the plaintiff-respondent No.

1, the claim proceeds on the basis that the parties are co-sharers in the suit property. It is also a settled principle that if the suit property is in possession of one of a co-sharer, he is deemed to be holding possession on behalf of all. Apparently thereafter, the contention that Court fee on the market value of property as applicable in a suit for possession as provided in Section 7 clause (v) of the Court Fee Act, 1870, cannot be accepted. Therefore the learned trial Court has rightly dismissed the application filed by the petitioner.

In view of the above, there is no illegality in the order passed by the trial Court.

The instant revision is dismissed.

January 21, 2015
rishu

(R.P. NAGRATH)
JUDGE