

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

Civil Revision No.5206 of 2015

Date of decision: 17.08.2015

Surjit Singh

.....Petitioner

Versus

Gian Kaur and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.P. Soi, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the Judgment dated 13.07.2015 passed by the Additional Civil Judge (Senior Division), Nakodar, whereby suit filed by the plaintiff-petitioner has been dismissed being not maintainable.

Plaintiff-petitioner filed a suit for recovery of possession under Section 6 of Specific Relief Act, 1963 with regard to land measuring 14 Kanals, detailed in the head note of the plaint.

Pursuant to the judgment and decree dated 15.03.2005, Ajit Singh and other co-sharers (predecessor-in-interest of the defendants-respondents) were declared owners of the property in dispute and a decree for joint possession was passed in their favour. Thereafter, in the execution proceedings, symbolic possession was given to them as per the order dated 28.07.2008 (Ex.P3) as the actual possession could not be given. Thereafter, Ajit Singh and others, who were owners of the suit property, filed an application for partition in the revenue court, which was allowed by the Court of Assistant Collector, Ist Grade, Nakodar. Delivery of possession

was handed over to Ajit Singh and others and they had deposited the costs

of standing crops of Surjit Singh (plaintiff) after being assessed by the official concerned. In that regard, copy of challan form was proved as Ex.D14. After the symbolic possession was given to the original owners, it was not incumbent upon them to approach the civil court again for actual possession of the property.

Suit of the plaintiff-petitioner has been dismissed vide judgment dated 13.07.2015 by further observing that Surjit Singh (plaintiff) had pursued his remedy against his dispossession in the said partition proceedings right up to the Court of Financial Commissioner, Revenue.

Since pursuant to the judgment and decree dated 15.03.2005, the original owners had got possession in accordance with law, the present suit has been rightly dismissed by the trial Court.

In view of the above, no ground is made out to interfere in the judgment and decree dated 13.07.2015 passed by the Additional Civil Judge (Senior Division), Nakodar.

Dismissed.

17.08.2015
ajp

(RITU BAHRI)
JUDGE