

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

CR No. 5157 of 2013 (O&M)

Date of decision: August 12, 2015

Jit Singh and another

...Petitioners

Versus

Lakhwinder Kaur and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers may be allowed to see the judgment ? Yes**
2. **To be referred to the Reporters or not ? Yes**
3. **Whether the judgment should be reported in the Digest? Yes**

Present: Mr. Sudeep Mahajan, Advocate,
for the petitioners.

Mr. Krishan Sehajpal, Advocate,
for respondents No. 3 and 4.

K. KANNAN, J. (Oral)

1. In a suit for recovery of possession filed by the plaintiff contending that the defendants who had purchased the property from him have entered into possession of a larger extent and dispossessed him, the plaintiff moved an application for appointment of a Local Commissioner to make a demarcation of the property in 2 kanals 15 marlas comprised in various khasra numbers set out in the preamble to the plaint. The petition was resisted by the defendants who pleaded that the plaintiff had sold all the property which he owned and he has not retained any portion of the property.

2. The learned counsel for the respondents would point out to me that the trial court has already found that the plaintiff has sold all the

properties and his prayer for recovery of possession was not tenable. The learned counsel for the petitioners would join issue on this contention and point out that this judgment of the trial court was set aside in appeal and remanded to the trial court.

3. An identification of the property of 2 kanal 15 marlas can be done, as also the properties which are said to have been sold by the plaintiff and the defendants may furnish details of such sales before the Local Commissioner and seek for identification of the said property covered under the sales. This will clear the dispute between the parties whether the plaintiff was making claim in the property after he actually sold the same or there was any property left in his hands after selling the properties to various persons. The parties are at liberty to file appropriate memo of instructions before the Local Commissioner to identify first the entire extent of 2 kanals 15 marlas and then identify the properties sold by the plaintiff not only to the defendants but also to others within the same khewat. The Local Commissioner shall be the revenue officer of Tehsil and District Jalandhar.

4. The impugned order is set aside and the revision is allowed to the above extent.

August 12, 2015
prem

(K.KANNAN)
JUDGE