

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

**CR No. 5694 of 2014 (O&M)
Date of decision: 19.09.2015**

MANJIT KAUR AND ANR

... Petitioners

versus

SATINDER KAUR AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: None for the petitioners.

Mr. G.C. Shahpuri, Advocate for the respondents.

K.Kannan, J.

The order passed by the Court below is tenable in a suit for partition where the daughters have filed the case for the estate of the father against the widow and sons. They are entitled to treat themselves as co-owners in joint possession and if a prayer is made for separate possession, it does not mean that recovery is sought for the first time and plaintiffs themselves are excluded therefrom. The notional valuation adopted was perfectly justified. The requirement of having to pay additional court fee is erroneous.

The impugned order is set aside and the revision petition is allowed.

**(K.KANNAN)
JUDGE**

19.09.2015

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