

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 7127 of 2012 (O/M)
Date of decision : 31.8.2015

Rajiv Gupta

..... Revisionist

Versus

Rattan Singh Gupta and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Pankaj Jain, Advocate, for the revisionist.

Mr. Lokesh Sinhal, Advocate, for respondents.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 23.10.2012 (Annexure-P-1), passed by the learned Civil Judge, (Senior Division), Faridabad, vide which the objections filed by the present revisionist/objector Rajiv Gupta, have been dismissed.

Admittedly, a decree for partition was passed between Rattan Singh Gupta and Ram Avtar (brothers). Rajiv Gupta is the son of Ram Avtar. He has filed the objections, claiming that the property is in his ownership on the basis of certain facts. It also

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comes out that Rajiv Gupta had already filed a separate suit for permanent injunction. The lower Court had observed that the suit between Rattan Singh Gupta and Ram Avtar was contested upto Hon'ble Supreme Court of India and the question regarding ownership claimed by Rajiv Gupta was already in issue in the said case. The present objector has not filed a suit for declaration to the effect that he is the owner of the said property, but he is claiming only permanent injunction in separate suit. He is son of one of the defendants in the previous suit. He is claiming the decree in his favour, which according to the other party is of no consequence as the transferee in that case has no title.

In this case, after contesting upto the Hon'ble Supreme Court of India, the warrants of possession have been issued. The matter regarding ownership of Rajiv Gupta was already in issue in the said suit. Accordingly, I do not find any ground to interfere in the impugned order. The present revision is accordingly dismissed.

However, the observations made by this Court will not affect the separate suit filed by the present revisionist.

(KULDIP SINGH)
JUDGE

31.8.2015
sjks