

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2184 of 2016
Date of decision:28.11.2016

Narotam Chand and another ... Petitioners

Vs.

Sant Bachan Singh and another ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. O.P.Goyal, Senior Advocate with
Ms. Sunita Gupta, Advocate
for the petitioner.

Mr. C.M.Munjal, Advocate
for the respondent(s).

AMIT RAWAL J. (Oral)

The present revision petition is at the instance of the petitioner-defendant in civil suit titled as Sant Bachan Singh vs. Nartotam Chand and another, whereby, on the application moved by the respondent-plaintiff for demarcation of the property, Local Commissioner has been appointed.

Mr. O.P.Goyal, learned Senior Counsel assisted by Ms. Sunita Gupta, Advocate for the petitioner-defendant submits that since the suit property is regarding khasra No.746 and the Local Commissioner may not confine his report qua aforementioned khasra number, whereas, prior to filing of the aforementioned suit, there was litigation between the predecessor-in-interest of the petitioner *vis-a-vis* khasra Nos.751/1 and 752/2 and therefore, status of the parties are of co-sharers, resulting into

decretal of the suit which had attained finality. In execution application, possession has been claimed. The grievance of the petitioner is that excess area has been taken into possession and therefore, the aforementioned suit. He further submits that his client would not be averse in case the order under challenge is maintained with a modification that Local Commissioner shall measure all the three khasra numbers, i.e., 746, 751/1 and 751/2 and prepared a site plan for adjudication of the lis.

The aforementioned fact is not opposed by Mr. C.M.Munjhal, Advocate for the respondents.

In view of the consensus arrived at between the learned counsel for the parties to the lis, I am of the view that revision petition is disposed of with a modification in the impugned order that instead of demarcating only khara no.746, Local Commissioner shall demarcate khasra numbers 751/1 and 751/2 along with khasra number 746 and also prepared the site plan, in accordance with law.

Revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

November 28, 2016
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No