

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

CR No.5397 of 2015
Date of decision : 25.07.2016

Kusum Lata and another

...Petitioners

Versus

Vijay Sharma and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. D.S. Kahlon, Advocate for the petitioners.

Mr. S.K. Chaudhary, Advocate for the respondents.

AMIT RAWAL, J. (Oral)

The petitioner-defendant is aggrieved of the order dated 04.07.2015, whereby application of the plaintiff for direction to the defendant to allow the entry of draftman to prepare the proper site plan in respect of suit property, has been allowed.

Mr. D.S. Kahlon, learned counsel appearing on behalf of petitioners submits that order under challenge is sketchy and non-speaking. There is no reference to the argument or discussion of the objections taken in the reply. In a suit for partition, the plaintiff has only to show that the property is joint holding of the parties. Suit is still at the preliminary stage

and, therefore, the respondent-plaintiff could not have moved application for preparation of the site plan, much less, cause any obstruction in the preparation of the same by Draftsman and thus, order under challenge is not sustainable and urges this Court for setting aside of the same.

Mr. S.K. Chaudhary, learned counsel appearing on behalf of respondents submits that the purpose of the application is to identify the property as certain area is in the possession of the tenants and if the property is not identified, the Court would have difficulty in passing the preliminary decree.

I have heard learned counsel for the parties and appraised the paper book.

Order under challenge, reads thus:-

“Heard on the application under consideration. Reply perused. Application is filed on justiciable ground, hence a draftsman from court complex, Pathankot as the choice of the plaintiff is deputed to prepare the site plan of the dispute property so that correct picture should emerge. Defendants are directed not to obstruct the draftsman while preparing his site plan and co-operate with him, in the interest of justice. Now to come upon for placing on record the site plan on 30.7.2015.

*Sd/- (Parvinder Singh Ghotra), PCS
CJJD, 4.7.2015”*

I am of the view that application seeking direction to defendants to allow draftsman to prepare the site plan, has been filed, much less, the trial Court is enjoined upon obligation to pass speaking order after dismissing the objections/submissions of opposite side but not in the

manner & mode as has been done.

For the foregoing reasons, order under challenge is hereby set aside.

Revision petition is allowed.

The trial Court is directed to decide the application so filed in accordance with law.

Liberty is granted to the petitioner to raise all pleas with regard to the maintainability or stage of the application.

25.07.2016

pawan

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned: Yes

Whether reportable:- Yes/No