

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

**C.R.No.6165 of 2011 (O&M)**

**Date of Decision: February 08, 2016**

**Rajinder Kumar**

...Petitioner

Versus

**Parkash Devi & others**

...Respondents

**CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE**

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

Present: Mr.Sham Lal Bhalla, Advocate,  
for the petitioner.

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**AMIT RAWAL, J. (Oral)**

The petitioner-defendant is aggrieved of the judgment and decree dated 2.8.2011 passed by the Court below, whereby the suit filed under Section 6 of the Specific Relief Act, 1963 (for short “1995 Act”), has been decreed.

Mr.Sham Lal Bhalla, learned counsel appearing on behalf of the petitioner-defendant submits that Sham Lal Sharma, brother of the respondent-plaintiff, had filed a suit that during the life time of Gian Chand Sharma, father of the parties had been using two rooms with the permission of the plaintiff and after the demise of the father, the parties had acted upon the Will, in essence, life interest given to the plaintiff has been received and she is in possession of her share. The site plan, in the aforementioned, suit titled as Sham Lal Sharma Versus Gian Chand and Parkash Devi is Ex.D1.

He further submits that in the instant suit, the respondent-plaintiff has

alleged dispossession of the rooms and claiming possession of the rooms on the first floor, whereas as per previous judgment and decree, there was no stake vis-a-vis the rooms on the first floor, which was already in possession of the other brothers and, therefore, the suit was not falling within the provisions of Section 6 of 1963 Act.

I have heard the learned counsel for the petitioner-defendant and appraised the paper book.

The claim in the suit is with regard to the rooms shown as “A” and “B” along with the Verandah as per the site plan (Ex.D1), which is on the ground floor and not on the second floor. The decree has been passed with regard to the room shown as per the site plan. An attempt has been made to confuse the Court with regard to the rooms “C” and “D” in the site plan, Ex.D1, which in fact are on first floor. The coloured copy of the site plan Ex.D1 has been attached as Annexure P-5.

The petitioner-defendant had admitted that Parkash Devi was/is in possession of the rooms. This fact has been noticed by the trial Court in paragraph 8 of the impugned judgment. The defendant had also admitted that the respondent-plaintiff was/is actually residing in one room. The decree has been passed in respect of the Will on the admission of the petitioner-defendant.

I do not find any illegality and perversity in the impugned judgment and decree. Accordingly, the same are upheld.

The revision petition stands dismissed.

**February 08, 2016**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**