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

**CR-6664-2015 (O&M)**

**Date of decision : 15.02.2016**

Raj Rani and another

...Petitioners

Versus

Rajesh Kumar and another

...Respondents

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

Present: Mr. D.K. Bhatti, Advocate  
for the petitioners.

Mr. Veneet Sharma, Advocate  
for respondent No.1.

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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?

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

The petitioners-defendants are aggrieved of the order dated 08.09.2015 whereby, the application filed under Order 7 Rule 11 of the Code of Civil Procedure (hereinafter called 'CPC') has been dismissed.

Mr. D.K. Bhatti, learned counsel appearing on behalf of the petitioners-defendants submits that the suit claiming the declaration as co-sharers in the absence of separate or joint possession, in view of the law laid down by the Hon'ble Supreme Court of India in **"Ram Saran and another V/s Ganga Devi"**

**1972 AIR (SC) 2685** and in **"Venkataraja and others V/s Vidyane Doureradjaperumal (D) through LRs and others"**  
**2013 (3) RCR (Civil) 176**, is not maintainable. The trial Court has erroneously rejected the application.

Mr. Veneet Sharma, learned counsel appearing on behalf of respondent No.1, on instructions from his client, submits that an appropriate application for amendment of the suit shall be moved on 21.03.2016 i.e. the next date of hearing.

In view of the aforementioned statement made by Mr. Veneet Sharma, the respondent-plaintiff shall be at liberty to move an application seeking amendment for incorporating releif of necessary possession by next date of hearing, failing which, the application already filed under Order 7 Rule 11 CPC shall be revived.

Keeping in view the aforementioned facts, the impugned order is hereby modified.

Accordingly, the revision petition stands disposed of.

**15.02.2016**  
yogesh

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