

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.7872 of 2016
Date of decision:22.11.2016

Dhoomi (since deceased) through LR's ... Petitioners

Vs.

Krishna and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Atul Yadav, Advocate
for the petitioner (s).

AMIT RAWAL J. (Oral)

Petitioner-defendant No.2 is aggrieved of the impugned order dated 24.08.2016 (Annexure P-3), whereby, an application of the subsequent owner by virtue of having acquired the right in the suit property of which the partition has been sought in a suit for partition by virtue of sale deed dated 22.05.2014, 19.05.2014 and 17.06.2014, has been allowed.

Mr. Atul Yadav, learned counsel appearing on behalf of petitioner/defendant No.2 submits that vendors of the aforementioned sale deeds were not party in the suit, resulting into passing of the preliminary decree dated 29.10.2004, though the petitioner is defendant No.2 in the aforementioned suit and had already filed the objections against drawing of preliminary decree.

I have heard learned counsel for petitioner/defendant No.2 and appraise the paper book.

The petitioner does not dispute the nature of the property being

in joint khata. If it is so, the impleadment of persons indicated in the impugned order is essential and necessary for the purpose of drawing a final decree, thus, I do not find any illegality and perversity in the impugned order, much less the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

November 22, 2016
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No