

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.8505 of 2016

Date of Decision: December 16, 2016

Vishnu Maskara & another

...Petitioners

Versus

Pawan Puri and others

...Respondents

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

Present: Mr.Rahul Sharma-I, Advocate,
for the petitioners.

AMIT RAWAL, J. (Oral)

Petitioner-defendant Nos.4 and 5 are aggrieved of the impugned order, whereby the application moved by defendant No.6 for transposing as plaintiff in a suit for partition with consequential relief, has been allowed.

Mr.Rahul Sharma-I, learned counsel for the petitioners submits that the application was lacking reasons as to under what circumstances, plaintiff was not diligently filing the suit. The defendants had filed the written statement and contested the suit. As there was a clash of interest, he could not have been impleaded as plaintiff and this aspect has not been taken care of by the Court below.

I have heard the learned counsel for the petitioner, appraised the paper book and of the view that in a suit for partition, all the parties are having the same interest being the co-sharers. The contents of the application for transposing reveal that the plaintiff was not diligently filing

the suit and if it was not so, the suit may not have been dismissed on some technical reasons as the parties would have been left in lurch. It is in this backdrop of the matter, defendant No.6 chose to pursue the suit by transposing.

I am in agreement with the findings rendered by the Court below allowing the application. The order cannot be said to be passed without jurisdiction. No case for interference is made out.

Revision petition stands dismissed.

December 16, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No