

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.8519 of 2014

Date of Decision.22.04.2016

Jitender

.....Petitioner

Vs.

Sandeep and others

.....Respondents

Present: Mr. Pankaj Maini, Advocate
for the petitioner.

Mr. Narender Kaajla, Advocate
for the respondents.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The revision petition is against the order disallowing an application for demarcation of the property. It is a suit claiming 50% share in the property which is a house and its appurtenance. The defendants have denied the plaintiff's entitlement of the property and have contended that the plaintiff's father had himself sold more than his share and the plaintiff has no right in the property. The trial Court has taken a view that the plaintiff himself can measure the property and there is no need for appointment of a draftsman for measurement and demarcation.

2. The reason for dismissal ought to be even more stronger. The plaintiff's plea for demarcation is premature, for without securing a right in the property and declaring his right to share as claimed by him

in suit, there is no scope for a demarcation. No purpose will be served by securing a demarcation of the property when the plaintiff's right to the property itself has not been admitted by the defendants.

3. There is no need for interfering with the order already passed although on additional ground as I have set out above. The revision petition is dismissed.

(K. KANNAN)
JUDGE

April 22, 2016
Pankaj*