

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1238 of 2016(O&M)

Date of Decision:14.03.2017

Dharampal

.....Petitioner

Versus

Deen Dayal and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

Present: Mr.J.S.Hooda, Advocate,
for the petitioner.

Mr.Arun Yadav, Advocate,
for respondent No.1.

RAMESHWAR SINGH MALIK, J.(Oral)

Present revision petition, at the hands of plaintiff, is directed against the order dated 11.01.2016 (Annexure P-4) of the learned trial Court, whereby an application moved by Deen Dayal under Order 1 Rule 10 of the Code of Civil Procedure (for short “the CPC”), was allowed.

Notice of motion was issued.

Heard learned counsel for the parties.

A bare reading of the impugned order passed by the learned trial Court would make it crystal clear that before passing the impugned order, learned trial Court satisfied itself that presence of applicant Deen Dayal-respondent herein, was necessary for proper adjudication of the controversy involved between the parties. Once the presence of applicant was found to be necessary by the learned trial Court, no fault can be found with the impugned order and the same deserves to be upheld.

The entire case of the petitioner, as made out from different

based on the plea that suit property already stands partitioned. However, neither any material has been placed on record nor any relevant order was shown by the learned counsel for the petitioner to this Court which may point out that the suit property, as a matter of fact, already stood partitioned. Different sale-deeds by co-sharers to the extent of their shares would not amount to partition of the joint land. In this view of the matter, it can be safely concluded that the learned trial Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order passed by the learned trial Court, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present revision petition is misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, instant revision petition stands dismissed, however, with no order as to costs.

March 14, 2017
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(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No