

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

**CR No.1301 of 2017
Date of decision: 22.02.2017**

Anil Kumar

... Petitioner

Vs.

Naresh Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Padamkant Dwivedi, Advocate and
Mr. Anil Chawla, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 09.02.2017 passed by the learned Additional District Judge, whereby defendant No.1-respondent Naresh Kumar was permitted to withdraw his miscellaneous civil appeal against the order dated 14.09.2016 passed by the learned trial Court, deciding the application under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure and granting liberty to defendant-Naresh Kumar to alienate his share out of the suit property, plaintiff has approached this Court by way of instant revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order passed by learned Additional District Judge would make it crystal clear that one of the co-sharer has been granted liberty to alienate his share out of the suit property. This is what the law laid down by two Full Benches of this Court in **Bhartu Vs. Ram Sarup, 1981 PLJ 204** and **Ram Chander Vs. Bhim Singh and others, 2008 (3) RCR (Civil) 685**.

When confronted with the law laid down by the Full Benches of this Court, learned counsel for the petitioner had no answer and rightly so, it being a matter of record. Further, no prejudice, of any kind whatsoever, has been shown, which might have been caused to the petitioner, by passing the impugned order. Having said that, this Court feels no hesitation to conclude that learned Additional District Judge was well within his jurisdiction to pass the impugned order and the same deserves to be upheld.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction. Once the learned Additional District Judge has passed the order, strictly in consonance with the law laid down by two Full Benches of this Court, no fault can be found with the impugned order and the same deserves to be upheld, for this reason also.

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 wholly misconceived, bereft of merit

and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

22.02.2017
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No