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

**Civil Revision No.2120 of 2017
Date of Decision: 10.10.2017**

GURJEET SINGH AND ORS

.....Petitioners

Vs

MALKIT KAUR AND ORS

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. G.S. Samra, Advocate
for the petitioners.

Mr. Rajbir Singh, Advocate
for respondent Nos.2 and 3.

RAJ MOHAN SINGH, J. (Oral)

[1]. On 04.07.2017, following order was passed by this Court on the basis of instructions received by learned counsel for the petitioners from the petitioners:-

“Learned counsel for the petitioners submits that the petitioners purchased 17 Kanals 4 Marlas of land from the the predecessor of the defendants vide sale deed dated 25.05.1988. There was an agreement between the parties that in case of any defect in the title of the vendors, they would be liable to answer the claim of the vendees from other land owned by them. The land purchased by way of specific killa numbers out of the joint land was ultimately

found not to be sufficient to answer the claim of the vendees as the vendors were found to be having only 7 Kanals 2 Marlas of land in the khewat so partitioned between the parties. Petitioners filed a civil suit for declaration and possession in order to get the remaining 10 Kanals 2 Marlas from the land situated in other khewat for which description of the land was given in the form of two properties. Out of which one of the property was found to be sold by the vendors and the petitioners intends to replace the description of the property sold by the vendors with the property available with them.

Learned counsel for the petitioners seeks time to place on record the bilateral understanding between the parties in the context of making good the deficiency in land as mentioned above.

Adjourned to 03.10.2017.

Till the next date of hearing passing of final judgment by the trial Court shall remain stayed.”

[2]. Today at the very inception, learned counsel for the petitioner submits that the instructions on the basis of which the aforesaid order was passed were not based on any material which may authenticate the contention of the petitioners.

[3]. Learned counsel further submits that despite his whole-hearted effort the petitioners have not come to instruct him properly, rather instructed him on incorrect premise resulted in passing of the aforesaid order. Today learned counsel pleads no instructions.

[4]. Learned counsel for the respondents submits that the factum of partition was challenged by way of second suit and the same was dismissed on 23.03.2017. The said order has been conveniently concealed by the petitioners in the present revision petition.

[5]. In view of above, owing to the conduct of the petitioners, I deem it appropriate not to grant any such indulgence in exercise of powers under Article 227 of the Constitution of India. This revision petition is accordingly dismissed.

October 10, 2017

(RAJ MOHAN SINGH)
JUDGE

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No