

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

CRM-M No.8544 of 2016
Date of Decision: 27.02.2017

MUNISH KUMAR

-PETITIONER

VS

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. KDS Sodhi, Advocate
for the petitioner.

Mr. V.P.S. Sidhu, A.A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

In the order dated 25.04.2016, it was noticed that Ishwar Dutt was the owner of the property. After his death, the same was inherited by his three sons, namely, Om Parkash (father of the complainant), Ram Lubhaya and Ram Parkash. Ram Parkash filed a suit for partition as Om Parkash was shown to be in exclusive possession of the property. The suit filed by Ram Parkash was decreed in the year 1999 and the said judgment was upheld by the lower Appellate Court on 07.01.2002. Ram Parkash executed Power of Attorney in favour of his brother Ram Lubhaya. After the death of Ram Lubhaya, his sons became owners qua his share. Sons of Ram Lubhaya including the petitioner executed agreement to sell in favour of Nachhattar Singh and Dara Singh. Nachhattar Singh has

already filed a suit for specific performance in respect of agreement to sell.

Evidently, the role attributed to the petitioner is at par with his brother namely Garish Kumar who filed CRM-M No.1634 of 2015 in the High Court for grant of anticipatory bail. Vide order dated 24.02.2015, the aforesaid petition was allowed.

In view of aforesaid, I am of the view that order dated 25.04.2016 needs to be made absolute.

Ordered accordingly.

27.02.2017
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No