

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.1579 of 2018
Date of Decision: 14.03.2018

Biru Sharma

.... Petitioner

Versus

Parveen Kumar & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Vijay Singh, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Learned counsel *inter alia* contends that no decree was ever passed by any Civil Court in favour of respondent-objector qua properties No.i to iii, for which the petitioner had sought partition by filing a suit in which preliminary decree has already been passed. Therefore, finding of the trial Court that share of respondent No.1 to 3 in properties No.i to iii comes to 1/5th is patently illegal and erroneous.

Considering overall facts and circumstances, the impugned order dated 06.01.2018 is set aside with a direction to the trial Court to identify the properties, which were the subject matter of the civil suit filed by the petitioner for partition and the properties claimed in joint ownership by objector Kamal Kishore in a suit, which was decreed vide judgment and decree dated 29.05.2010 by the First Appellate Court and after identifying them, if the objector has also claimed his co-ownership in the properties at Sr. No.i to iii mentioned in the decree, then it would decide the objections raised by the objector Kamal Kishore afresh by passing a speaking order.

This petition is disposed of without issuing notice to the respondents

with a view to impart justice to the parties and to save the huge expenses which may be incurred by the respondents and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondents may move this Court for recalling this order within six weeks from today.

14.03.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No