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

CR No.4148 of 2018

Date of Decision: 04.07.2018

Parminder Kumar and another

....Petitioners

Vs

Gian Chand and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vijay Lath, Advocate, with
Mr. Vishal Sharma, Advocate,
for the petitioners.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioners have assailed the order dated 18.04.2018 passed by Civil Judge (Junior Division), Garhshankar vide which application filed by the defendants-petitioners under Order 7 Rule 11 CPC for rejection of the plaint was dismissed.

2. Plaintiffs filed a suit for partition and permanent injunction. Property measuring 37 Marlas as share of the plaintiffs out of the property measuring 44 Marlas marked by words 'ABCD' shown with specific dimensions as per latest revenue record bearing Khasra No.652/1 (2-4) was sought to be partitioned.

3. The use of word 'latest revenue record' cannot be related to the jamabandi for the year 2009-10 particularly when

the suit was filed in the year 2017. Bifurcation of khasra number is not shown in the jamabandi for the year 2009-10 wherein Khasra No.652 was shown to be having specific area. Bifurcation of the khasra number with reference to latest revenue record would be a trivial issue and only the averments made in the plaint are to be seen at the time of deciding application under Order 7 Rule 11 CPC.

4. In my considered opinion, existence of the suit property vis-a-vis Khasra No.652/1 (2-4) would be a trivial issue in any case.

5. No exception can be carved out on the basis of arguments raised by learned counsel for the petitioners.

6. This revision petition is accordingly, dismissed.

04.07.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No