

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 4825-2016 (O&M)

Date of decision: 27.04.2018

Ajit Kaur and another

.....Petitioners

versus

Bhupinder Kaur Dhillon and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Rakesh Gupta, Advocate for the petitioner
Mr.Rupal Garg, Advocate for the respondent no.1

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Impugned in the present revision petition is the order dated 18.7.2016 (Annexure P1), passed by learned Additional Civil Judge (Junior Division), Patiala, vide which, while dismissing the objections, the property which was subject matter of the final decree was ordered to put to sale.

Heard.

It comes out that an application for final decree of partition by metes and bounds is pending. It also comes out that previously, Naib Tehsildar was appointed and thereafter, Tehsildar was appointed to demarcate the property and suggest the means of partition. However, both the revenue officers visited the spot and found that the disputed property is situated in Hem Bagh, Behind New Moti Bagh Palace, Patiala. It is thickly populated area. There are no *pacca* points. The dimensions of khasra numbers are not available and even Musavi and Field Book of village

Patiala is not available. Therefore, it is not possible to identify the property in dispute. Vide the impugned order, the trial Court held that since partition is not possible, therefore, the property be put to sale.

After going through the impugned order, I am of the view that impugned order is not tenable in the eyes of law. Even if the property is put to sale, the property has to be identified first to enable the prospective buyer to know as to which property is put to sale. Therefore, without identifying the property, the same cannot be put to sale. As such, the impugned order is set aside.

Present revision petition is allowed accordingly.

27.04.2018

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No