

227

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

CR No.7288 of 2015 (O&M)
Date of Decision: 12.07.2018

Tarlok Singh Bedi (since deceased) through LR Upkar Singh
Bedi

....Petitioner

Vs

Kumari Rajinder Kumari and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gurcharan Dass, Advocate,
for the petitioner.

Ms. Shashi Jain, Advocate, and
Mr. H.V. Jain, Advocate,
for respondent No.5.

RAJ MOHAN SINGH, J.(Oral)

1. It appears from the record that preliminary decree was passed by the trial Court somewhere in the year 1970. Final decree was drawn vide judgment and decree dated 07.10.1989.

2. 3rd party objections filed under Order 21 Rule 97 read with Section 151 CPC at the instance of the petitioner are pending. Thereafter, petitioner sought to amend the objections filed by Tarlok Singh Bedi. The prayer was rejected by the Civil Judge (Junior Division), Ludhiana vide order dated 10.12.2014. Thereafter, petitioner sought to file additional objections under Section 47 CPC in respect of amended date of commencement

of tenancy and re-construction of file.

3. Since the prayer for amendment of objections has already been declined on 10.12.2014, in my considered opinion, petitioner cannot maintain additional objections in respect of re-construction of file as well. It cannot be appreciated as the petitioner was not privy to *lis* between co-owners who sought partition of joint property.

4. The scope of 3rd party objections filed by the petitioner cannot be enlarged so as to interfere in the entitlement of co-sharers arising out of joint property which is to be distributed amongst them as per the mode drawn by the Local Commissioner in final decree.

5. Since the objections dated 17.02.2005 are still pending before the Executing Court, therefore, the Executing Court would be obligated to decide the said objections in accordance with law without being influenced by the plea of re-construction of record by the petitioner. Re-construction of record is not possible in view of the fact that the petitioner was not privy to the *lis* between co-sharers. The prayer for additional objections cannot be allowed as the plea of amendment of objections has already been dismissed by Civil Judge (Junior Division), Ludhiana on 10.12.2014.

6. In view of factual position on record, I deem it

appropriate to dispose of this revision petition with a direction to the Executing Court to decide the objections under Order 21 Rule 97 CPC filed by the petitioner in accordance with law.

7. Since the main revision petition has been disposed of, therefore, there is no need to pass any order in the pending applications.

12.07.2018

Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No