

110

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No. 8631 of 2017 (O/M)  
Date of decision : 8.2.2018

Umed Singh

..... Petitioner

Versus

Chander Kanta and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. D.C. Dhaula, Advocate, for petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
  2. To be referred to the Reporter or not.
  3. Whether the judgment should be reported in the digest ?
- . - .-. -

KULDIP SINGH J. (ORAL)

CM-26393-CII-2017

Application is allowed, as prayed for.

Application is disposed of.

Main case

Impugned in present revision is order dated 7.9.2017 (Annexure-P-9), passed by learned Additional District Judge, Sonapat, reversing the order dated 27.1.2014, passed by learned Additional Civil Judge (Senior Division), Sonapat, and dismissing the application filed by plaintiff-petitioner under Order XXXIX Rules 1 and 2 read with Section 151 of Civil Procedure Code, 1908.

I have heard learned counsel for petitioner and have also

CR No. 8631 of 2017 (O/M)

carefully gone through the file.

It comes out that plaintiff-petitioner Umed Singh had filed a suit for declaration that he is owner in possession of land measuring 1 kanal 14 marlas. He had also challenged the mutation in favour of defendants No. 1 to 5. He also claims that he is entitled to get the name of his sons entered as partners in the firm which is running a petrol pump, situated on the said land. It comes out from the impugned order that plaintiff-petitioner and defendants No. 1 to 5 belong to same joint family. The joint family had installed a petrol pump in the year 1971 in the name and style of M/s Kirpa Ram and sons. The land was purchased in the name of one Richhpal, who was elder in the family. After the death of Richhpal in the year 1978, he was succeeded by Dhoop Singh, father of defendants No. 1 to 5. Plaintiff-petitioner further claims that in the year 1988, a settlement took place wherein petrol pump fell to his share. However, his name was not mentioned in the revenue record. Later on, his son Joginder was introduced as partner to the extent of 48% share in said firm. Dhoop Singh had also executed a sale deed regarding land of petrol pump, but the area was wrongly mentioned there. It is further claimed that defendants No. 1 to 5 had executed affidavits in favour of plaintiff-petitioner and his sons for reconstitution of the firm in the name of plaintiff's sons Joginder and Vijender, but the firm was not reconstructed. The trial Court has taken the view that plaintiff-petitioner while appearing as PW1 has admitted that there is no land in his name. He has gifted the land in the name of his son Vijender. He is claiming that Joginder is owner in the firm to the extent of 48% share, which is running petrol pump. Said Joginder and Vijender are not party to the suit. In this way, plaintiff-petitioner has neither left with

CR No. 8631 of 2017 (O/M)

any right in the land nor in the firm which is running petrol pump. Admittedly, Joginder and Vijender, sons of plaintiff-petitioner are major and they have not come forward to make any claim. It being so, injunction was rightly declined to plaintiff-petitioner Umed Singh. There is no ground to interfere in impugned order. Therefore, instant revision is dismissed.

(KULDIP SINGH)  
JUDGE

8.2.2018  
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No