

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

**CR No.8761 of 2017 (O&M)
Date of decision : January 08, 2018**

Smt. Prem Lata and others **..... Petitioners**

Versus

Rakasha Kumari @ Raksha Rani and others **..... Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Dr. M.K. Gahlaut, Advocate for the petitioners.

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)

Petitioner is aggrieved of the order dated 06.11.2017 (Annexure P-8) passed by the trial court, whereby the application filed by the petitioner under Order 7, Rule 11(a) read with Section 151 CPC was dismissed.

It comes out that the plaintiffs have filed a suit for declaration that they are the legal heirs of deceased Sukhdev Raj.

Learned counsel for the petitioner contends that such suit does not lie because it was filed after the death of Sukhdev Raj.

It is claimed that from the documents, their claim is not proved.

I am of the view that such matter cannot be decided without leading evidence.

Learned counsel for the petitioner further states that the suit is misuse of process of law.

However, it is a question of facts and can only be established by leading evidence. Thus, there is no ground to interfere in the impugned order.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

January 08, 2018
sarita

Whether speaking / reasoned	Yes
Whether Reportable:	No