

CR No.8886 of 2017

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

CR No.8886 of 2017

Date of decision:17.01.2018

Rameshwari Devi

... Petitioner

Vs.

Raghubir Ram and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sandeep Jasuja, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The present revision petition has been preferred by defendant No.2, who was proceeded against ex parte in the suit seeking possession by way of partition to the extent of ½ share (1/6 share each of plaintiff) qua properties mentioned in the plaint.

Petitioner/defendant No.2 has been allowed to join the proceedings at the existing stage of the suit and contest the suit completely by filing written statement and leading evidence. The application for setting aside the ex parte order was moved after 2 years and 7 months. No explanation has come forward as to how the petitioner acquired the knowledge of the ex parte proceedings in the suit.

The claim of the plaintiff in the suit is to seek partition branding all the defendants as co-owners. Since defendant No.2 had been allowed to join the proceedings, she is at liberty to show any public

document which will be taken cognizance by the Court, even in the absence of pleadings to belie the statements of co-defendants, if any but so far no documentary evidence has been shown to this Court to form a different opinion than the one arrived at by the Court below.

No ground is made out for interference in the impugned order.

While upholding the order under challenge, revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

January 17, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No