

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Civil Revision No.8376 of 2017

Date of Decision: May 15, 2019

Charanjeet

...Petitioner

Versus

Bihari Lal & others

...Respondents

**CORAM: HON'BLE MR.JUSTICE AMIT RAWAL**

Present: Mr. Bikram Chaudhary, Advocate,  
for the petitioner.

Mr. Deepak Vashishth, Advocate,  
for the respondents.

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**AMIT RAWAL, J.**

The short point involved in the present revision petition is whether in a suit for possession by way of partition, plaintiff can be called upon to pay court fees claiming possession at the market value of the land, the answer is 'No'.

The aforementioned proposition of law has already been decided by this Court in **Civil Revision No.7806 of 2015 (Ashok Kinger Versus Pradeep Kinger & others)**, decided on 27.11.2018, whereby noticing the law with regard to the possession of all the co-sharers in **Bhartu Versus Ram Sarup, 1981 PLJ 204**, the concept of co-sharership was exhaustively defined. Since the shares of the parties are yet to be decided, possession of one of the co-sharer would be deemed to be possession of all the co-sharers. The plaintiff could not have been ordered to

pay the court fees qua his share. The application under Order 7 Rule 11 CPC was wholly devoid of merit.

Accordingly, the impugned order is set-aside. Revision petition stands allowed.

**May 15, 2019**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether Reportable:**

**Yes/No**