

CR-8591-2017 (O&M)

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

CR-8591-2017 (O&M)

Date of decision : 21.05.2019

Gurpinder Singh and another

... Petitioners

Versus

Gurpreet Inder Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Surender Garg, Advocate
for the petitioners.

Mr. N.K. Manchanda, Advocate
for respondent No.6.

AMIT RAWAL, J. (ORAL)

The short point involved in the present revision petition is whether, in a suit filed by the plaintiff/respondent No.1, claiming declaration to be owner in possession of land measuring 4 kanals, can a co-defendant i.e. defendant No.9, set up a counter-claim against defendant Nos.1 to 8. The answer would be 'No', for, the plain and simple language of Order 8 Rule 6-A of the Code of Civil Procedure, reveals that counter-claim can only be set up to the claim, which is always by the plaintiff and not by the co-defendant.

Keeping in view the aforementioned facts, the impugned order, declining to reject counter-claim is not sustainable being fallacious and infirm and the same is hereby set aside. Counter-claim, *ibid*, is ordered to be rejected. Resultantly, the present revision petition stands allowed.

**(AMIT RAWAL)
JUDGE**

21.05.2019

Yogesh Sharma

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**