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

CR No. 1651 of 2019 (O&M)  
Date of Decision: 11.03.2019

Moti Ram

-Petitioner

Vs

Manjit Kaur and another

-Respondents

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Rajesh Bhateja, Advocate,  
for the petitioner.

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**RAJ MOHAN SINGH, J. (ORAL)**

Petitioner has assailed the order dated 23.01.2019 passed by Additional Civil Judge (Senior Division), Amloh, District Fatehgarh Sahib vide which his application for staying the execution proceedings was dismissed.

Perusal of the record would show that the petitioner has improved his status from tenant to that of co-sharer by purchasing 1 Biswas- 7 Biswasis from Gurpreet Kaur vide sale deed dated 18.09.2014.

At the time of sanctioning of mutation, Manjit Kaur had no objection to the aforesaid mutation.

It is a settled principle of law that the tenant after passing of decree for ejectment has to surrender possession in

prior point of time and thereafter, he can seek partition on the basis of his improved status as that of co-sharer.

Reference can be made to **Pramod Kumar Jaiswal and others vs Bibi Husn Bano and others, 2005(2) RCR (Civil)629, T. Lakshmipathi and others vs P. Nithyananda Reddy and others, 2003(2) RCR (Civil) 305, M/s India Umbrella Manufacturing Co. and others vs Bhagabandei Agarwalla (Dead) by LRs Smt. SavitriAgarwalla, 2004(1) RCR (Civil) 686 and Sukhdev Rai Kaushal vs Gokal Chand Mittal, 2013(4) PLR 454.**

In view of aforesaid legal position, no indulgence can be granted to the petitioner.

This revision petition is accordingly, dismissed.

11.03.2019  
*Jyoti Yadav*

**(RAJ MOHAN SINGH)**  
**JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No