

RSA-3362-2016 (O&M)

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

**RSA-3362-2016 (O&M)
Date of decision : 24.05.2019**

Surinder Kumar Pathak

... Appellant

Versus

Rekha Rani and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Anil Kumar Garg, Advocate for the appellant.

AMIT RAWAL, J. (ORAL)

The short point involved in the present regular second appeal is whether the appellant-plaintiff, can be permitted to claim separate possession of half share by way of partition, in respect of shop, who is allegedly co-sharer, in pursuance to the decree dated 31.03.1995, by challenging sale certificate dated 09.08.1996 in Civil Suit No.565 of 1990, after having availed remedy in 1997 claiming 1/7th share in the suit property. The answer would be 'No' as the present suit is hit by the provisions of Order 2 Rule 2 of the Code of Civil Procedure, even otherwise, the sale was effected in 1996 and the fact was in existence in Civil Suit of 1997.

Keeping in view the aforementioned facts, the judgments and decrees of the Courts below cannot be said to be suffering from illegality and perversity, much less, no substantial question of law arises for determination. No ground is made out for interference. Resultantly, the present revision petition is dismissed.

24.05.2019
Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned	Yes/ No
Whether Reportable	Yes/ No