

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-1585-2020

Date of Decision: 04.03.2020

Surja Devi

... Petitioner

Versus

Rajawanti (deceased) through her legal representatives and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Gagandeep Rana, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

1. No ground for interference in the order declining the application under Order 7 Rule 11 of the Code of Civil Procedure, 1908 is made out in this petition brought under Article 227 of the Constitution of India challenging the order dated 20.11.2019 passed by learned Civil Judge (Jr.Divn.), Jhajjar.

2. Legal issues have been raised which can be sorted out during the trial as to what is the effect of plaintiff No.1 turning out to be the legal heir of defendant No.1 on his death. This can be unravelled by the trial Court by appropriate steps, proceedings and orders as are deemed fit, but would not furnish valid ground to reject the plaint and put an end to the trial, which was the sole argument advanced against the order even when the suit is not barred by law.

3. While dismissing the petition, it is observed that the plea is kept open for determination in the suit, if required, or is found necessary to adjust the *inter se* interests of a family in a suit for partition amongst its members, there being no outsider stepping into the shoes of any of the co-sharers to create further trouble and put oil on burning fires.
4. The revision stands disposed of with the above observations.

(RAJIV NARAIN RAINA)
JUDGE

04.03.2020
Satyawar

Whether speaking/reasoned	Yes
Whether reportable	Yes/No