

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(117)

CR-314-2021 (O&M)
Date of Decision : 18.02.2021

Baljit Khosla

...Petitioner

Versus

Sudhir Khosla and others

...Respondents

(through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.S. Bajaj, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

The present civil revision has been filed for setting-aside the order dated 05.03.2020 passed by the learned Civil Judge (Jr. Division), Jalandhar, by which the Court below has come to the conclusion that the property in question, cannot be partitioned keeping in view the facts and circumstances of present case and the same needs to be auctioned after which the sale proceeds should be equally divided between the co-sharers.

Learned counsel for the petitioner argues that the report of the evaluator opining upon the property concerned qua partition as well as value of the said is incorrect and has been wrongly relied upon by the Court below while passing the impugned order.

I have gone through the pleadings with the help of learned counsel for the petitioner.

It is not disputed that the property in question is such that the partition of same is not at all permissible keeping in view the fact that the portion of property which faces the Road and can be used for entrance is only 28' wide and the said front cannot be bifurcated between the four co-sharers so as to enable all the co-sharers to enjoy the property after partition. That being so, the findings recorded by the Court below that by no means property can be partitioned between all the four co-sharers so as to put to maximum use, cannot be found to be defected and does not call for interference by this Court.

With regard to the arguments being raised by the learned counsel for the petitioner that the evaluation of the property has not been done properly needs no determination for the reason that the property in question is to be auctioned as per the impugned order dated 05.03.2020 and whosoever pays the best price in the auction, will get the said property and the proceeds of the auction amount will be bifurcated equally between the co-sharers. The evaluation done by the evaluator is of no consequence in the facts and circumstances of the present case, hence the argument that same causes prejudice to the petitioner, is liable to be rejected and is accordingly rejected.

Learned counsel for the petitioner further submits that he has an emotional attachment with the property and intends to purchase the same. By the impugned order, the petitioner has not been restrained from participating in the auction or even approaching the other co-sharers for

allowing him to purchase the said property. That being so, even this argument does not have any merit in respect of the impugned order and needs no adjudication by this Court.

No ground is made out to interfere in the impugned order dated 05.03.2020, hence the civil revision is dismissed.

As the main case has been dismissed, CM-1628-CII-2021 and CM-1629-CII-2021 have become infructuous.

February 18, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No