

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 1586 of 2017

Date of Decision: 23.08.2022

Basant Kumar

... Petitioner(s)

Versus

Prithi Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Namit Khurana, Advocate
for the petitioner(s).

Mr. Omkar Chauhan, Advocate
for the respondent No.1.

Mr. Jitender Singh Chahal, Advocate
for the respondent No.3.

Anil Kshetarpal, J.

1. The trial Court has dismissed the application under Order VII Rule 11 CPC, filed by the petitioner, to reject the plaint in a suit filed for grant of decree of permanent injunction. The plaintiff, claiming to be the co-sharer, has filed a suit along with an application for temporary injunction restraining the defendants from interfering in his cultivating possession.

2. An application under Order VII Rule 11 CPC was filed on the ground that the property has already been partitioned and a deed of partition has been prepared. The trial Court has dismissed the application.

3. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

4.

The status of the parties as co-sharers/co-owners get severed on

the date notified in the deed of partition. After that day, their status is no longer of a co-sharer. The learned counsel representing the plaintiff submits that the possession has not been delivered. The non-delivery of possession would not revive the plaintiff's status as a co-sharer.

5. Keeping in view the aforesaid facts, the present revision petition is allowed and the order, under challenge, is set aside. The plaint filed by the plaintiff shall stand rejected.

(Anil Kshetarpal)
Judge

August 23, 2022
"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No