

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

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CRM-M-12775-2022 (O&M)

Date of Decision: 28.03.2022

Sharmila Yadav

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Neeraj Yadav, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner challenges order dated 29.10.2021 (Annexure P-1) passed by learned Additional Sessions Judge, Rewari vide which a revision petition filed by Respondents No.2 to 9 challenging order dated 01.10.2021 passed by learned Sub Divisional Magistrate, Rewari appointing a Receiver during proceedings of Section 145 Cr.P.C. has been accepted and the order dated 01.10.2021 (Annexure P-2) passed by Sub Divisional Magistrate, Rewari appointing Receiver has been set aside.
2. Learned counsel for the petitioner submits that the petitioner had purchased 8 kanals 3.6 marlas out of a total of 33 kanals 4 marlas of land vide sale deed dated 22.06.2021 from one Sandeep Kumar and that as per the recital in the sale deed he had been put in possession of a specific piece of land and as such was in exclusive possession of a share of his land which actually abuts the road. A dispute having arisen amongst the parties, who in fact are co-sharers, proceedings under Section 145 Cr.P.C. were initiated, during the course of which order dated 01.10.2021

(Annexure P-2) appointing a Receiver came to be passed.

3. Respondents No.2 to 9 being aggrieved by the said order filed the revision petition. The learned Additional Sessions Judge, Rewari while observing that it is a case where both the parties are co-owner and partition proceedings are already pending, held that both the co-owners have to be treated as owners to the extent of every square inch of the joint land. It was further held that the predecessor of the petitioner i.e. Sandeep Kumar from whom the petitioner had purchased the land was not in exclusive possession of any portion of the disputed land and, as such, the petitioner also cannot be held to be in exclusive possession of any joint holding and, thus, no case for appointment of any Receiver is made out. Consequently, while accepting the revision petition, learned Additional Sessions Judge set aside order dated 01.10.2021.
4. I have heard the learned counsel for the petitioner.
5. The position of law as regards the joint possession of co-owners is well settled and as such all the co-owners have an equal right to be in possession of every part of the joint property unless there is something to suggest that any of the parties is in exclusive possession of a particular portion. In the present case, there is nothing on record to suggest that any of the parties is in exclusive possession. As such, this Court does not find any infirmity in the impugned order dated 29.10.2021 (Annexure P-1) and the same is upheld. The instant petition being *sans* merit is hereby dismissed.

28.03.2022

VY

(GURVINDER SINGH GILL)

JUDGE

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