

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

CR No.1008 of 2022

Date of Decision: 23.03.2022

Gurmukh Singh

.....Revisionist-petitioner.

Versus

Gurdev Singh (since deceased) through his LR and others

.....Respondents.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Rajan Singh Dadwal, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant revision petition, the petitioner has laid challenge to the order dated 08.11.2021 (Annexure P-2) passed by learned Civil Judge (Junior Division), Jagraon whereby the Objections preferred by him against the report of the Local Commissioner have been dismissed.

As per the brief factual-matrix culminating in the present revision petition, the petitioner claims his rights in the suit property on the basis of an agreement to sell as stated to have been executed by Gurcharan Singh and his sons named Kuldeep Singh and Gurdeep Singh in favour of his (petitioner's) father qua the said property. An application for passing the final decree for partition of the suit property in pursuance of the preliminary decree passed in the Civil Suit No.469 dated 23.08.2005 as preferred by respondent No.1-plaintiff against respondents No.2 to 4-defendants, is pending before the Court below and the report of the Local

Commissioner has been submitted for the said purpose. The petitioner preferred Objections against this report which have been dismissed vide the impugned order (Annexure P-2).

I have heard learned counsel for the petitioner in the present revision-petition and have perused the file carefully.

Learned counsel for the petitioner contends that in view of the agreement to sell as executed in favour of his father, the petitioner deserves the protection as envisaged under Section 53-A of the Transfer of Property Act (for short 'the T.P. Act') and therefore, he had a right to file the Objections qua the said report so as to assail its correctness because it has not been prepared in accordance with the actual existing position as prevailing at the spot.

However, this contention is not tenable at all because as categorically mentioned in Para No.4 of the impugned order, the petitioner-Objector had moved an application under Order 1 Rule 10 CPC earlier also, with a prayer to implead him as a party in the said Civil Suit but the same was dismissed vide order dated 25.01.2021 and the revision petition, as preferred against this order, has also been dismissed by this Court vide order dated 01.10.2021. Further, in Para No.5 therein, it has also specifically been mentioned that the agreement to sell, on the basis of which the petitioner-Objector seeks the protection of Section 53-A of the T.P. Act, has already been set-aside by the competent Court.

Keeping in view the above-discussed facts and circumstances, this Court is of the considered opinion that the impugned order does not

suffer from any illegality, infirmity, perversity or irregularity so as to warrant any interference by this Court.

Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

March 23, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*