

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7854 of 2019 (O&M)

Date of Decision: 20.09.2022

Raj Rani

... Petitioner(s)

Versus

Ravi Kumar and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Karan Singh, Advocate
for the petitioner(s).

Mr. Hemen Aggarwal, Advocate
for the respondent No.1.

Anil Kshetarpal, J.

1. In the execution petition, the petitioner's objection petition has been dismissed.

2. Admittedly, the parties are the co-sharers/co-owners in an unpartitioned property. The respondent No.1 has filed a suit for grant of decree of permanent injunction. The defendants, while appearing in the trial Court undertook, not to alienate any specific part of the joint property and not to raise any construction thereon. On the aforesaid statement, a judgment and decree was passed on 20.02.2006. The petitioner is stated to have purchased a share in the suit property from the defendant No.4-Sh.Ami Chand Saini and defendant No.5-Sh.Devi Chand Saini, on 27.02.2006. She is also alleged to have constructed some portion thereon. The Executing Court, vide order dated 26.02.2014, proceeded *ex parte* against the judgment

debtors while directing them to remove construction. Thereafter, another

execution petition was filed for removal of the construction over vital part of the land measuring 12 kanals and 17 marlas. The Executing Court, vide order dated 12.09.2019, has directed demolition of the building with the help of the police.

3. Fundamentally, the status of the parties, including the petitioner's as co-sharer/co-owner, is not in dispute. Hence, the permanent solution lies in partition of the joint property. The demolition of the building, which has already been constructed, would not only cause loss to the petitioner, but it would also result in wastage of funds. The respondents, at the most, are entitled to their share which can only be decided in the partition proceedings.

4. Keeping in view the aforesaid facts, the present revision petition is disposed of while granting liberty to the parties to apply for partition of the joint property. If the partition proceedings are initiated, then, the competent Court is requested to decide the same, expeditiously.

5. The miscellaneous application(s) pending, if any, shall also stand disposed of.

(Anil Kshetarpal)
Judge

September 20, 2022
"DK"

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