

CRM-M-45798-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45798-2018 (O & M)
Date of decision: 06.07.2023

Renu Jain

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. P.S.Jammu, Advcoate,
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Akshay Jain, Advocate,
for respondent No.4.

Mr. Ashok Kumar Jindal, Advocate,
for respondent No.5.

HARNARESH SINGH GILL, J. (ORAL)

1. The present petition has been filed for issuance of directions to respondent No.2 to conduct a fair and impartial enquiry into the matter after the registration of FIR.

2. Short reply filed on behalf of respondent No.4 is taken on record.

3. Learned counsel for the petitioner contends that the petitioner and her mother-Darshna Devi had purchased a plot measuring 1 kanal 1¼ marla situated in village Kalanwali, District Sirsa, by way of registered sale deed dated 08.02.2005; that the said plot was owned by respondent No.4-

Pardeep Jain, a relative of the petitioner, but he had sold the same to

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respondent No.5-Jagpal Singh; that later on, respondent No.4 had got made a deal with the petitioner and respondent No.5 had sold the same to the petitioner, and that Lovleen Jain and Chhinder Singh, Panch had signed the sale deed as witnesses. It is further contended that however, respondent No.4 had not allowed the petitioner to get constructed the boundary-wall on the said plot; that respondents No.4 and 5 in connivance with the above named witnesses, while playing fraud upon the petitioner, had sold the plot to him, but in fact, possession of the same was with some other person.

4. On the other hand, learned State counsel and learned counsel appearing for respondent No.4 and learned counsel for respondent No.5 submit that the sale deed was executed on 08.02.2005; that application(s) for demarcation of the property was given on 06.07.2011 to the Deputy Commissioner, Sirsa, and subsequently to the S.P.Sirsa; that the matter was inquired into by the concerned authorities; that vide letter dated 26.03.2014, the Superintendent of Police, Sirsa, informed the Deputy Commissioner, Sirsa, that during enquiry, it was found that Darshana Jain (mother of the petitioner) had purchased a plot measuring 01 kanal 1¼ marla out of *khata* (22 kanal 5 marla) as a share and mutation of the aforesaid land had been entered in her name and that the matter was to be of civil nature. They have further drawn the attention of this Court towards the letter dated 25.06.2013 (Annexure P-4/3) issued by the Deputy Commissioner, Sirsa, to the mother of the petitioner, vide which she was asked to approach the civil court to get the joint *khata* partitioned. It is further submitted that in 2017, a suit for partition was filed by the petitioner and her mother against 97 co-sharers.

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5. I have heard the learned counsel for the parties.
6. Indisputably, the application filed by the petitioner and her mother for preparation of final decree was allowed, vide judgment dated 03.09.2022 passed by learned Addl. Civil Judge (Sr. Divn), Dabwali. The matter was enquired into by the concerned authorities. During inquiry, it was found that the mother of the petitioner had purchased the plot out of joint *khata* and the matter was to be of civil nature. Furthermore, vide letter dated 25.06.2013 (Annexure P-4/3), Deputy Commissioner, Sirsa, asked the mother of the petitioner to approach the civil court to get the joint *khata* partitioned.
7. In view of the above, no further orders are called for.
8. Disposed of.

06.07.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No