

2023:PHHC:071328
137 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-CR-82-2023
in
CR-6364-2019
Date of decision: 16.05.2023

Mehar Singh (Deceased) through L.Rs and another
....Petitioners

Versus

Bakhsish Singh (Deceased) through LR's and others
..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. M.S.Longia, Advocate for the review applicant/
petitioners

ANIL KSHETARPAL, J (Oral)

The revision petition was disposed of by the Court with the
following order:-

“The Executive Court has ordered issuance of warrant for symbolic possession while leaving the parties to seek possession of the specific portion of the property according to their share by way of partition. Challenging the correctness of the aforesaid order passed by the Executive Court on 03.09.2019, this revision petition has been filed under Article 227 of the Constitution of India.

The learned counsel representing the petitioner submits that if warrants of symbolic possession are issued, it will result in the names of co-sharers being recorded in the possession column of the revenue record for fiscal purposes. However, it should be noted that symbolic possession is merely an entry in the revenue record for fiscal purposes, and the determination of the respective shares of parties must be made in partition proceedings that have already been addressed by the Executive Court.

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Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.”

An application seeking review of the aforesaid order has been filed. Learned counsel representing the review applicant contends that the Court has directed issuance of symbolic possession in favour of the co-sharers who are party to the suit and not restricted to the decree holder in terms of the deed of compromise. The impugned order before this Court was only with respect to delivery of the symbolic possession which has the effect of making an entry in the revenue record while leaving the parties to claim their share at the time of partition of the land.

In view of the aforesaid facts, no ground to review the order dated 19.04.2023, is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

16.05.2023
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(ANIL KSHETARPAL)
JUDGE

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