

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 4535 of 2022 (O&M)****Date of Decision: 29.11.2023**

Sohan Singh (Since Deceased) through his Legal Representatives

... Petitioner(s)

Versus

Surjit Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Malhar Singh Dhami, Advocate
for the petitioner(s).Mr. Arnav Sood, Advocate
for the respondent No.1.**Anil Kshetarpal, J.****CM-13874-CII-2022**

1. In view of the prayer made in the application, which is supported by an affidavit, the same is allowed, subject to all the just exceptions. The proposed legal representatives, named in para 3 of the application, are the Class-I heirs of petitioner-Sohan Singh, who is stated to have died on 08.07.2020. They are permitted to be brought on record as the legal heirs of the petitioner-Sohan Singh, for the purpose of prosecuting the revision petition only.

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2. This revision petition has been filed by Sohan Singh through his legal representatives to challenge the correctness of the order passed by the Executing Court on 16.09.2022.

3. In order to comprehend the issue involved in the present case, the relevant facts, in brief, are required to be noticed. Surjit Singh son of Dalip Singh filed a suit for final decree of partition against as many as six defendants in which a preliminary decree was passed on 28.02.2013, and the final decree for partition was passed on 01.11.2016.

4. The petitioners filed the objection petition which was dismissed by the Executing Court vide order dated 16.09.2022.

5. Heard the learned counsel representing the parties at length and with their able assistance, perused the paper-book.

6. The learned counsel representing the petitioners, while referring to the layout plan, submits that the partition has been proposed in a manner which would not permit the parties to enjoy the property fully. The learned counsel further submits that the Executing Court has wrongly dismissed the objection petition.

7. This Court has considered the submissions of the learned counsel representing the parties. From the perusal of the impugned order dated 16.09.2022, it becomes evident that the petitioners, while filing the objection petition, asserted that the final demarcation of the property was carried out at their back. The Executing Court has dismissed the objection petition after noticing that Sucha Singh son of Avtar Singh and Gurdish Singh, Lambardar of village Majra Jattan, were present at the spot when the demarcation was carried out.

8. While hearing the revision petition against the order passed by the Court below, this Court is expected to examine the legality and propriety of the impugned order. It would not be appropriate to allow the petitioners

to take an absolutely new ground which was not pressed before the Court below.

9. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order passed by the Executing Court. Hence, the present revision petition is dismissed.

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

(Anil Kshetarpal)
Judge

November 29, 2023
“DK”

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