

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-23357-CII-2019 in/&
CR-7164-2019 (O&M)
Date of Decision :22.02.2023

Surinder Kumar

...Petitioner

Versus

Harbans Lal (since deceased) through LRs
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ramesh Sharma, Advocate for for the petitioner.

Mr. A.S. Khinda, Advocate for the respondents.

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Harsimran Singh Sethi, J. (Oral)

CM-23357-CII-2019

As prayed for, application is allowed.

CR-7164-2019

In the present revision petition, the challenge is to order dated 03.10.2019 (Annexure P/4) by which, objections filed by the petitioner in respect of the preparation of the final decree for partition and separate possession by metes and bounds has been rejected.

Learned counsel for the petitioner argues that LRs of the deceased, who was also owner of the property in question has not been impleaded as party to the suit due to which, partition proceedings cannot attain finality.

The said argument of the learned counsel for the petitioner is

totally fallacious. In case anyone who is interested in partition proceedings, he/she could have joined the proceedings or in case he/she has not joined, they have a liberty to raise objections. Once, no one has come forward to raise any objections to the partition proceedings, the question of raising any objection on behalf of someone else by the petitioner does not arise. The petitioner has no right to raise objections on behalf of somebody who, remains silent. As no prejudice is shown to have been caused to the petitioner hence, no ground for interference in the impugned order by this Court is made out and the revision petition is accordingly dismissed.

February 22, 2023

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(HARSIMRAN SINGH SETHI)

JUDGE

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