

124 RA-CR-150-2022 IN CR-2449-2021

**ST. PATRICKS REALTY PVT. LTD.
VS
BHUPENDER SINGH AND ORS.**

Present: Mr. Randhir Singh Hooda, Advocate
for the applicant/respondent No.1.

In the application, a prayer has been made to rehear the revision petition which was allowed on 07.12.2022 on the ground that the respondents' counsel was out of station. Though this is not a ground to rehear the revision petition, which has been decided on merits, however, this Court has granted an opportunity to the learned counsel representing the respondent No.1 to 3 (plaintiffs) to draw the attention of the Court to any error in the conclusion drawn while passing the order on 07.12.2022. Though, he made a sincere attempt, however, he failed to draw the attention of the Court to any error.

This Court, on perusal of the assertions made in their plaint, has held that the plaintiffs' claim has no basis. After examining the provisions of the Hindu Succession Act, 1956, it has been held that the plaintiffs cannot succeed even if the assertions made in their plaint are taken as a gospel truth.

However, the learned counsel representing the applicant/respondent No.1 to 3 relies upon the order passed in ***Gurdev singh v. Harvinder Singh Petition for Special Leave to Appeal (C) No. 19018/2022, decided on 09.11.2022.*** On the careful reading of the aforesaid order, it is evident that the Supreme Court has refused to grant leave to appeal while upholding the orders passed by the Courts below. It is a short order.

As already noticed, this Court has examined the contents of the

plaint while testing the case on the basis of the statutory law. It has been

concluded that the petitioners have no claim whatsoever on the basis of the assertions made in the plaint.

Keeping in view the aforesaid fact, no ground is made to interfere. Hence, the present application is disposed of.

(Anil Kshetarpal)
Judge

January 12, 2023
“DK”