

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

127

2024:PHHC:010611

CR-983-2020

Date of decision: 25.01.2024

HARI DEV (DECEASED) THROUGH LRS

..Petitioner

Versus

TEK CHAND AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.V.S. Chugh, Advocate
for the petitioner.

Mr. Sanjeev Manrai, Sr. Advocate
with Ms. Neha, Advocate
for respondent No.1 to 8.

Mr. Paras Bahl, Advocate
for Mr. Saurav Kumar Manchanda, Advocate
for respondent No.9.

ANIL KSHETARPAL, J(Oral)

1. In this revision petition, the defendant in a partition suit prays for setting aside order dated 02.12.2019, vide which his application under Order VI Rule 17 of the Code of Civil Procedure, 1908, to amend the written statement has been dismissed. In substance, the petitioner claims that the respondent has not included the entire joint property in the partition suit. He wants to specify the dimensions of joint property. The learned counsel representing the petitioner admits that while filing the written statement, the petitioner has already stated that the suit is bad for partial partition.

2. Since, the defendant has already taken this objection in the written statement, there is no occasion to interfere with the order passed by the Courts below. It may be noted here that the suit for partition was filed in the year 2012. The petitioner's sisters are claiming share in the property. In the first round, preliminary decree for partition was passed on 07.09.2015,

which was subsequently set aside in appeal and the matter was remitted back to the trial Court.

- 3. Keeping in view the aforesaid facts, no ground to interfere is made out.
- 4. Dismissed accordingly.
- 5. All the pending miscellaneous applications, if any, are also disposed of.

January 25th, 2024
Ay

(ANIL KSHETARPAL)
JUDGE

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