



CR-6864-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-6864-2024

Date of decision : 26.11.2024

Moti Ram and others

... Petitioners

Versus

Chamela Ram

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sherry K. Singla, Advocate
for the petitioners.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 28.10.2024 passed by the Civil Judge (Jr. Div.), Moonak, vide which an application dated 04.12.2023 under Order 7 Rule 11 CPC filed by the petitioners has been dismissed.

2. Learned counsel for the petitioners has submitted that in the present case, it is the case of the petitioners that they are co-sharers in the total land measuring 32 kanal 14 marla which is comprised in one khewat and co-sharership is to be seen on the basis of being co-sharer in a khewat. It is submitted that the trial Court had taken into consideration the purchase from individual khasra numbers without considering the fact that all the said khasra numbers were in the same khewat and that as per law, any sale, even



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a share from the entire khewat. It is further submitted that since the written statement has already been filed by the petitioners and the said plea has been taken in the same, thus, the petitioners be permitted to withdraw the present petition with liberty to take up all the pleas, which have been raised in the written statement, during the course of trial. It is submitted that adjudication on the said point be made independently without taking into consideration the observations made in the impugned order.

3. Keeping in view the abovesaid facts and circumstances and also the fact that the observations made in the impugned order dated 28.10.2024 are only for the purpose of deciding the application under Order 7 Rule 11 CPC and also the fact that in the plaint, a prayer for permanent injunction has also been made, the petitioners are permitted to withdraw the present petition with liberty to raise all the pleas, which have been raised in the written statement and are available to them, during the course of trial.

4. It is made clear that it would be open to both the parties to raise all the pleas during the course of trial and the trial Court would finally adjudicate the same on the basis of pleadings and the evidence on record independent of the observations made in the impugned order dated 28.10.2024.

(VIKAS BAHL)
JUDGE

November 26, 2024.
Davinder Kumar

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