



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

**CR No.6221 of 2024
Date of decision : 23.01.2025**

Swaraj Kumari deceased through LRsPetitioner

Versus

Kartar Singh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. Amandeep S. Manaise, Advocate for respondent No.1.

Service upon respondent No.2 is dispensed with
vide order dated 19.11.2024.

PANKAJ JAIN, J. (ORAL)

Instant revision petition is directed against order dated 25.09.2024. Grievance of the LRs of the petitioner is that though they have been allowed to join the proceedings but *ex parte* order dated 30.08.2024 against them has not been set aside.

2. The parties are at *lis* seeking partition of a joint estate. Preliminary decree was passed in a suit, filed by the respondent No.1. The same has attained finality between the parties. Before passing final decree, Local Commissioner was appointed to suggest mode of partition. The matter was adjourned, inviting objections from LR No.(i) and (ii) of JD/petitioner. On 30.08.2024 when the matter was listed for filing objections, JD was proceeded *ex parte*. The matter was adjourned to



07.09.2024. On the said date, the matter was simply adjourned for 25.09.2024. On 25.09.2024, the impugned order has been passed. Vide the said order, though the LRs of JD have been allowed to join the proceedings but *ex parte* order dated 30.08.2024 has been maintained. The consequence of the order is that the matter stands adjourned for passing of final decree without further waiting for petitioners to file objections on the report of Local Commissioner.

3. In the considered opinion of this Court, in the partition proceedings after preliminary decree attains finality, all the parties are decree-holders. Once, Local Commissioner has been appointed to suggest the mode of partition, all the parties at *lis* have a right to file objections thereto. Needless to say, at the same time, the matter cannot be adjourned repeatedly to await objections from the parties. Petitioner indeed committed lapse delaying passing of the final decree by not filing objections in time.

4. In order to balance the equities, present revision petition is allowed subject to payment of Rs. 15,000/- costs. Keeping in view that the preliminary decree is dated 03.10.2016, even after eight years, the same is yet to graduate into final decree, one opportunity is granted to LRs of the petitioner to file objections. They shall file the objections on the next date of hearing i.e. 01.02.2025 subject to payment of costs as stated herein-above without any fail.



5. In case, they fail to deposit the costs and file objections on the said date, the impugned order shall remain in operation and the revision petition shall be deemed to be dismissed.

6. This Court is quite sanguine that the Executing Court shall finalise the proceedings within the Calendar year of 2025.

7. Ordered accordingly.

January 23, 2025

(Pankaj Jain)

Dpr

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No