

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

CWP No.16596 of 2015
Date of Decision: 24.08.2015

Randhir

. . . .Petitioner

Versus

The State of Haryana and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Raman Chawla, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

In short, respondent No.6 filed an application for partition under Section 111 of the Punjab Land Revenue Act, 1887 [for short 'the Act'] before the AC 1st Grade, Hisar. The petitioner filed objection along with Ram Kishan (respondent No.7) & Ram Kumar (respondent No.8) and Sharda (respondent No.9) against the mode of partition but his advocate Mr.O.P. Kohli, suffered a statement on 2.3.2007 that he has read the mode of partition (*Tajbib Tarika Taksim*) and has no objection against it, which may be accepted. Accordingly, the objection against the mode of partition was dismissed on 1.8.2007. However, it was challenged unsuccessfully in appeal before the Collector in view of the statement suffered by the advocate of the petitioner that he had no objection. The revision petition filed by the petitioner before the Commissioner, Hisar Division, Hisar was also dismissed on

10.6.2008 and the further revision filed before the Financial Commissioner was also dismissed on 28.1.2014. Sharda, one of the co-sharers, who had also filed objection, filed separate writ petition bearing CWP No.16608 of 2015 which was withdrawn by her with liberty to file it again with better particulars.

Insofar as the present petition is concerned, learned counsel for the petitioner had vehemently argued that the statement was made by his advocate Mr.O.P. Kohli regarding '*Naksha Ke*' and not '*Naksha Kha*'.

I have heard learned counsel for the petitioner and after examining the record, am of the considered opinion that the petitioner did not challenge *Tarika Taksim* (mode of partition) and therefore, he had no right to challenge it by way of further appeal after his objection was dismissed.

Thus in view thereof, I do not find any error in the orders of the Courts below and hence, the present writ petition is hereby dismissed.

24.08.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**